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THE ARMY AND MOONSHINERS IN THE MOUNTAINOUS SOUTH DURING RECONSTRUCTION

A thesis presented to the Faculty of the U.S. Army Command and General Staff College in partial fulfillment of the requirements for the degree

MASTER OF MILITARY ART AND SCIENCE

by

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Fort Leavenworth, Kansas
1994

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The Army and Moonshiners in the Mountainous South During Reconstruction

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This study investigates the role of the Army in combating moonshiners in the mountainous South during Reconstruction. The military committed numerous detachments across the South to aid U.S. marshals and revenue agents in eliminating stills. This assistance, although significant quantitatively, failed to end moonshining. The thesis provides insight into the Reconstruction Army. After reviewing structures, morale and soldier quality, it analyzes the moonshine problem in society. Arrayed against each other were illicit distillers and federal authorities. Focusing on the motivations of both sides, the study introduces military detachments into this complex historical equation. Although covering the general officer level, the emphasis is on company-grade officers and enlisted soldiers. The study concludes with a comparison of the moonshine war to the current drug war in order to evaluate what lessons learned have applicability in the modern Operations Other Than War context.

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

THE ARMY AND MOONSHINERS IN THE MOUNTAINOUS SOUTH DURING RECONSTRUCTION by MAJ Craig J. Currey, USA, 123 pages.

This study investigates the role of the Army in combating moonshiners in the mountainous South during Reconstruction. The military committed numerous detachments across the South to aid U.S. marshals and revenue agents in eliminating stills. This assistance, although significant quantitatively, failed to end moonshining. Rather, with the withdrawal of soldiers from southern occupation duty, the Internal Revenue Bureau sufficiently increased its efforts to fill the void created by the absence of troops.

The thesis provides insight into the Reconstruction Army. After reviewing structures, morale, and soldier quality, it analyzes the moonshine problem in society. Arrayed against each other were illicit distillers and federal authorities. Focusing on the motivations of both sides, the study introduces military detachments into this complex historical equation. Although covering the general officer level, the emphasis is on company-grade officers and enlisted soldiers.

The study concludes with a comparison of the moonshine war to the current drug war in order to evaluate what lessons learned have applicability in the modern Operations Other Than War context.

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INTRODUCTION

> The detection and significant reduction of the production and trafficking of illegal drugs is a high priority national security mission of our armed forces.[1]
>
> --General Colin L. Powell
> January 1992

> They are the brigands of the United States, and the sooner a strong crusade is waged against them the better; not only for violation of revenue laws, but on account of their power as a political and social evil.[2]
>
> --Army-Navy Journal
> February 1877

In the Army's 1993 FM 100-5 Operations field manual, Operations Other Than War (OOTW) receive increased emphasis. Prominent among these roles is support to counter drug operations, an activity that may have greater Army involvement in the future.[3] The control of illegal substances is not a new role for the Army. But to realize the difficulty of this mission, one need only return to the American South during Reconstruction. By combating illegal distillers during this period, the Army learned many important lessons that it is relearning today. In assessing current military effectiveness in drug interdiction

operations, one can draw interesting lessons from the post-Civil War Army's efforts in fighting moonshiners.

By the time Reconstruction ended in 1877, the nation had grown tired of efforts to restructure southern economics, society, and politics. In the political Compromise of 1877 between Republicans and Democrats, President Rutherford B. Hayes withdrew the majority of the remaining occupation troops from the South. This withdrawal was the most publicized action of a troop decline begun over a decade earlier. The 1870s found the Army shrinking in number and focusing on the western frontier. For the most part, soldiers were unpopular in the South. Between harsh living conditions, southern resentment, and difficult missions, the Army in the South suffered from poor morale. Instead of performing more traditional soldier roles on the frontier, the Reconstruction Army conducted Operations Other Than War to include registering voters, operating the Freedmen's Bureau, maintaining civil order, fighting the Ku Klux Klan, and monitoring elections.

Pursuing moonshiners was among these diverse military duties. A part of the Army's law enforcement role, the military aided U.S. marshals and Internal Revenue agents in capturing illegal distillers. This domestic enforcement activity confronted the Army with unique challenges--constitutional issues of authority, interagency cooperation between executive departments, and civil-military operations

with local officials--which presented the Army with vexing problems, often with little guidance from Washington. The Army worked hard at chasing moonshiners, enforcing federal laws, and aiding in tax collection. Although the Army provided valuable law enforcement assistance to marshals and revenue agents, it failed to be a decisive factor at eliminating moonshining in the mountainous South during Reconstruction.

Despite an abundance of illicit distillers in the Northeast, the military's role centered on the Reconstruction South. Moonshiners were most active in western Virginia, the western Carolinas, northern Georgia, northeast Alabama, eastern Tennessee, eastern Kentucky, and West Virginia.[4] The trace of this region roughly approximates the Appalachian mountain range in an area historian Wilbur R. Miller terms as "the Mountain South."[5] Although stills could exist almost anywhere, moonshining was predominantly a rural activity. Farmers generally placed stills in remote areas to avoid detection. The dispersed nature of moonshining caused soldiers to travel all across the mountainous South in an effort to close stills.

Soldiers, garrisoned throughout the South as part of Reconstruction, ensured compliance with federal directives, regional policies, and military general orders. They provided the backbone to federal proclamations, enforcement agents, and Republican governments. Without a troop

presence, unsympathetic southern elements who resisted federal authority in the former Confederacy and border state regions could ignore outnumbered marshals or lone agents. Despite numerous Presidential proclamations and Congressional acts, the Army, as the primary federal agency in the South, received only general guidance from the ational government. Caught between conservatives trying to overthrow Reconstruction and Radical Republicans promoting it, the Army had to implement vague policies as best it could. It could not please everyone in the politically charged environment, and, indeed, few were satisfied with the military's efforts when Reconstruction was over.

The time period in which the military combated illegal distillers was from the late 1860s to late 1870s. Specifically, troop detachments started helping marshals and agents after the Military Reconstruction Act of 1867.[6] Although there probably was limited assistance before this legislation and its three subsequent supplementary bills, military efforts coincided with the Internal Revenue Bureau's enforcement emphasis during the 1870s. As marshals increased activity against the Ku Klux Klan, agents who attempted to collect revenue taxes became victims of widespread Klan violence. As the federal government decided to end the Klan reign of terror, Congress passed the Enforcement Act of 1871. Despite being directed at the Klan, the legislation also targeted illegal distillers.

Congress wanted to combat distillers, not because of any perceived threat to morality posed by liquor, but because adherence to tax laws would increase federal revenues and because moonshiners resisted federal authority by refusing to pay taxes. Consequently, in the early 1870s, illicit distillers were a subset of the larger law enforcement problem of Ku Klux Klan violence. Society perceived them more as a threat to domestic stability and federal power than a detriment to the legal distilling market.

From 1869 until 1877, the Army was more active against moonshiners than earlier Reconstruction years. The Internal Revenue Bureau increased its enforcement activities after 1871, and the Army followed suit in its assistance. The Army's greatest contribution to the moonshine battle came in the last years of Reconstruction. Just at the height of its enforcement, the majority of the remaining occupation Army was withdrawn from the South. Although troop strengths had dropped substantially from the immediate post-Civil War levels, the Compromise of 1877 signified a termination of northern society's desire to pursue Reconstruction. The Great Strike of 1877 also accelerated the transfer of troops out of the South as units traveled to the North to quell worker violence in connection with railroad strikes.[7] Resentful of the use of soldiers to crush labor resistance, Congress limited the domestic use of troops in the Army Appropriation Bill in June of 1878. From

that point on, U.S. marshals and revenue agents collected taxes on their own.

To understand the military's efforts against moonshiners, one needs to understand the Army as an institution. The second chapter will analyze the military departmental and organizational structures of the late 1860s and 1870s. It will discuss soldier life so readers obtain an appreciation for what a soldier thought and why he reacted as he did when sent out on patrol. The focus will be on company-level soldiers but will increase to field-grade and general officers as necessary.

After understanding the Army, one should comprehend the problem of illegal distillers. Chapter Three will concentrate on moonshiners and revenue agents. Moonshiners predominantly lived a rural lifestyle in remote, mountainous areas across the South. To comprehend their motivations, the researcher must approach these people from a broad perspective, one incorporating social, economic, and political considerations. Understanding the moonshiner became the Army's nineteenth century equivalent to intelligence preparation of the battlefield. The Army, as well as the reader, had to know the "enemy."

Arrayed against the moonshiners were U.S. marshals and Internal Revenue agents. These men collected taxes, closed illicit stills, and arrested suspects throughout the South. Often despised in the former Confederacy,

conservative whites viewed agents as part of the Radical Reconstruction problem. The revenuers' part in this historical drama was complex. Even though many southerners hated them, some local community members wanted agents to rid the area of criminal distillers. Therefore, civil officers often received help from the local population that opposed having stills nearby. Some agents were honest while others crooked. The situation was complicated further by state and county enforcement officials who either supported or opposed revenue efforts. There are no easy classifications of these sides as players had varying motives within their groups.

Into this complex problem entered the Army. Chapter Four analyzes the military's role against illicit distillers. It studies soldier involvement with U.S. marshals and Internal Revenue Bureau agents to reveal the extent of interagency cooperation. It also reviews the Army's role in civil-military operations and traces the limitations and restrictions on using military forces domestically. Finally, the chapter reveals the successes and failures that the Army had against the moonshiners.

The conclusion summarizes the lessons learned from the Army's experiences during the Reconstruction era. From these points, the concluding section makes applications to the modern war on drugs. It reviews lessons learned during Reconstruction and compares them to the counter drug

mission. This thesis then not only illuminates the historical understanding of the Reconstruction military and society, it also provides insight to unforeseen problems in committing the U.S. Army domestically or abroad into the unconventional roles required in Operations Other Than War.

Endnotes

[1]Defense Department, National Military Strategy of the United States (Washington D.C.: Department of Defense, 1992), 15.

[2]Army-Navy Journal, February 24, 1877, 465.

[3]U.S. Army, FM 100-5, Operations (Washington D.C.: Department of the Army, 1993), 13-6.

[4]Congress, House, Annual Report of the Commissioner of Internal Revenue, 45th Cong., 3d sess., 1878, Ex. Doc. No. 4, III.

[5]Wilbur R. Miller, Revenuers & Moonshiners: Enforcing Federal Liquor Law in the Mountain South, 1865-1900 (Chapel Hill: University of North Carolina Press, 1991), 2-3.

[6]Returns from U.S. Military Posts, 1800-1916, Post of Morganton, NC, Report dated March 31, 1868, National Archives, M617, Roll 809.

[7]Ibid., Report dated September 8, 1877 acknowledging order of July 24, 1877; Army-Navy Journal, August 25, 1877, 37; Ibid., December 8, 1877, 278.

CHAPTER 2

THE RECONSTRUCTION ARMY IN THE SOUTH

The decade from 1867 to 1877 saw declining national interest in Reconstruction. The Military Reconstruction Act of March, 1867 marked the pinnacle of Radical Republican efforts to restructure the South. As states gained readmission to the Union, the military presence and involvement in them declined. By 1877, the nation tired of Reconstruction and sought to end military occupation of the South. Having experienced large military expenditures during the Civil War, the nation desired a return to a small peacetime Army. Some refer to the Reconstruction era as the "Army's dark ages."[1]

The period was characterized by major crises to which the Army responded. Immediately after the Civil War, the Army focused on southern Reconstruction. But through the 1870s, the military's emphasis, like the nation's, gradually drifted away from the South. Indian Wars on the frontier in 1870 and 1871 coincided with combating the Ku Klux Klan in regional outbreaks such as the Kirk-Holden War in North Carolina. Troops later reacted to major election riots such as the one in Aiken, South Carolina in 1876. The most famous military event of the period was Custer's last stand

at the Little Big Horn in 1876. This defeat received the most newspaper coverage and greatest historical attention of any episode during the period. Reconstruction ended with Army involvement in the Great Upheaval of 1877 in which labor unrest spread nationally from Martinsburg, West Virginia via a railroad strike.

The 1870s Army found assigned personnel strengths shrinking in the South. There were 9050 troops in 1870, 7368 two years later, and 6011 in 1876 before even more substantial drops in 1877.[2] The Army consisted of geographical departments with generals who commanded the garrisons in their regions. Posts had designated areas within each department. If one post had unrest that it could not handle, soldiers from another post or department would travel to reinforce existing elements at the scene. The reduced soldier strengths led to fewer posts throughout the South. As a result, state lines were unimportant in assessing what troops did in the South. Commanders, in a reactive posture, dispatched soldiers once a crisis occurred. They used various sized detachments as the response to distant problems. Since there were not enough troops garrisoned in every county, detachments traveled to troubled areas in order to provide the necessary federal presence.

It is a misconception to think that soldiers were everywhere in Reconstruction enforcing laws at bayonet

point. Southerners rarely saw soldiers on a regular basis unless they were near a post. When a detachment arrived in a region, it relied on local people and federal agents to help accomplish its mission. These soldiers were isolated in distant civilian communities, away from their posts, and lacked immediate communications with higher headquarters. Although political haggling in Washington D.C. was important, it was at the decentralized local level where detachments operated. It is at this level that one really understands the Army. Comprehending soldiers' thoughts, their orders, and their reactions, paints a more complete picture of the Army's involvement in Reconstruction.

Numbers of posts varied from state to state. If a state had more violence, it received more troops and, consequently, had more posts. The Army generally wanted to consolidate posts in order to reduce operating expenses. More posts required greater maintenance, increased logistics, and more civilian contracting. Centralized control with fewer posts saved money, a prime consideration in a period of small military budgets.

Detachments journeyed from permanent or temporary posts throughout the South. The Army manned certain permanent posts during Reconstruction. These usually included state capitals, coastal forts, and major cities. These garrisons had barracks and fully developed post infrastructures. Most of them, particularly coastal and

major city posts, had little to do with anti-moonshining operations. As violence or lawlessness emerged in remote interior areas where permanent posts were few, department commanders relocated troops to establish temporary posts. The usual reasons for creating one of these posts were Ku Klux Klan violence, election riots, race problems, or moonshine activities. Detachments, usually company-sized or less, occupied these camps, lived in tents or rented buildings, and created a post environment as best they could. Since temporary posts responded to regional unrest, when the disturbances subsided, the camps disappeared.

Post boundaries and state lines failed to tell the complete story of Reconstruction Army unit assignments. A complex system of departments, districts, and divisions evolved over time that constantly changed which state belonged to what military headquarters. The understanding of boundary groupings is complicated further by the continual reassignment of commanding generals within districts and departments. Not only did a state periodically belong to different departments or districts, but it continually had new commanders who changed the military leadership style in the region. To comprehend any particularly local area, one had to understand what district or department it fell under and who the commander was. Notwithstanding any boundaries, senior commanders could readjust troop locations as they deemed appropriate. These

structural and leadership differences also caused institutional variance across the South, so military policies were not enforced uniformly throughout the former Confederacy.

This study attempts to synthesize the military experience in Reconstruction along thematic lines. It does not attempt to trace events chronologically from district to division. To overcome the conceptual difficulties inherent in this framework, the reader should realize that the Army's involvement in the rural moonshine problem was most prevalent in western North Carolina, northern Georgia, and eastern Kentucky. This geographical area fell in different divisions under varying commanders. Until March 1867, the South was divided into divisions. The Division of the Atlantic contained the Carolinas, and the Division of Tennessee encompassed Georgia. Kentucky, a Union state during the Civil War, also experienced a mountain moonshining problem. It had military forces stationed within its border but was not part of southern Reconstruction. The state finally fell under the Department of the South in 1870 and was treated in a similar manner to other southern states. Because Kentucky bears relevance to the rural moonshine war, it is included in this study.[3]

With the Reconstruction Act of 1867, Congress divided the South into five military districts. The Second Military District under Major General Daniel E. Sickles and

then Major General Edward R.S. Canby contained the Carolinas. The Third Military District, commanded by Major General John Pope and followed by Major General George G. Meade, contained Georgia. Obviously, the other southern states fell into these and other districts, but these two districts contained the bulk of the anti-moonshining operations. As states gained readmission to the Union, the districts were restructured. By July 28, 1868, the Department of the South under Meade included Georgia and the Carolinas. March 1869 saw the emergence of a new parent headquarters, the Division of the South under Major General Henry W. Halleck. He commanded it until November 1871. The Department of the South would remain under varying commands until the end of Reconstruction in 1877.[4]

The Department of the South contained the majority of the counter moonshine operations during the 1870s. Its commanders were generals Alfred H. Terry, Irvin McDowell, Galusha Pennypacker, and Thomas H. Ruger. For short periods, Georgia and North Carolina fell under different departments, but they consistently belonged to the Department of the South. Except for part of 1872, the Division of the South remained the parent headquarters for the Department of the South. Its commanders were generals Halleck and McDowell, with McDowell doubling as both division and department commander from January 1875 to June 1876. Although the Department of the South experienced

numerous military grouping alterations, these operational-level changes had minimal influence on the performance of company sized units on the ground and, hence, on the civilian population.[5]

The Army branch system determined many of the military's capabilities. The Reconstruction Army consisted of three combat branches: infantry, artillery, and cavalry. Cavalry was in highest demand in the South. Cavalry troopers could travel to remote areas quickly as part of a mounted detachment. They were as mobile as the criminals and could easily ride to capture them. Because of competing priorities for cavalry on the western plains, the South suffered from a lack of cavalry units. Noted among cavalry troopers was Colonel George A. Custer who served with the Seventh Cavalry in the South. Infantry or artillery units, however, provided the bulk of occupation forces. Since most artillery units served at coastal fortifications, they traveled without cannon when sent into the interior. In terms of service on detachments, there was little if any difference between artillery and infantry companies. These versatile units could rent mounts or serve dismounted. Although not as efficient as cavalrymen, infantry and artillery scldiers adapted to mounted action. Because they were inexperienced riders, they were often sore and frequently treated their animals harshly. Their long Springfield rifles, instead of cavalry carbines, slowed

movement while catching on brush during off-road operations.[6] Despite a qualitative disadvantage in non-cavalry units, civil authorities clearly preferred any mounted detachment because it was more effective.

Soldiers stationed in the South were a diverse lot. Slightly less than half of them were foreign born. Most of these came from Ireland, Germany, England, and Canada. Because some were from non-English speaking countries, these soldiers had severe language problems in the South. Even foreign accents could not fail to incite xenophobic prejudices in the traditionalist southern society. As immigrants, it was difficult for them to find work in Northeastern cities. Consequently, they sought their employment in the military. For them, poverty became the main motivation to enlist.[7]

In the 1870s, the quality of soldiers increased. In 1871, 8,800 men, nearly one third of the Army, deserted because of poor morale. Yet with the Army's reduction of authorized strength from 30,000 to 25,000, the Army became more selective about its recruits. The national economic problems associated with the depression in 1873 also made jobs scarce. As a result, the Army could reject up to eighty percent of its applicants. Often, only good soldiers could re-enlist. One measure of quality increasing was that desertions dropped substantially to only 1,832 by 1876.[8]

The character of 1870s soldiers remained consistent with northern society. Many were from the urban working class or rural farm areas of the North. The predominant states of origin were New York, Ohio, and Pennsylvania. They had a mix of occupations and backgrounds. Although there were some southern officers and troops in the ranks, southerners perceived the Regular Army as conquering Yankees. Like many of their civilian counterparts, soldiers saw no great need for Reconstruction. Many civilians even questioned the need for a Regular Army.[9]

Most citizens held soldiers in low regard. For these people, soldiers were either "regular bummers, bad and runaway boys, old drunkards, sober men but never-do wells, [or] men of education and listless character including a few of real refinement and ability."[10] Civilians also questioned soldiers' morality as units had high venereal disease rates. Worst in posts near cities, this disease was the major medical problem after diarrhea and dysentery. Finally, moral development suffered because the Army only had thirty chaplains during Reconstruction. Consequently, troops in remote areas worshipped with them infrequently. As many foreign born troops were Roman Catholic, they could not attend local, predominantly Protestant services.[11]

Resentment went beyond normal citizens. Many high-ranking political officials, including congressmen, disliked the military. Representatives in the 1870s, particularly

Democrats, harbored ill-feelings toward a military that they viewed as instruments of Republican oppression. Congressman William Kimmel of Maryland described a soldier as follows:

> He lives by blood! His is a business apart from the people....He consumes what they [people] create. He seldom marries; nor does he accumulate property, nor forms and continues social relations; his habits unfit him for the relations of civil life....At the command of that superior he fights for or against the laws, the constitution, the country....He sacks, desecrates, indulges when and where he dares. He serves, obeys, destroys, kills, suffers, and dies for pay. He is a mercenary whom sloth, luxury, and cowardice hires to protect its ease, enjoyment, and life...."Our fathers who framed the Constitution" thought him "dangerous to public liberty" and dreaded and detested him, and declared he ought not to exist.[12]

This speech, given on the House floor, reflected the growing anti-military feeling present in many congressmen. Weary from the Civil War and the continued military presence in Reconstruction, many civilian leaders returned to the traditional American fear of the standing Army and general contempt for soldiers.

Morale of the soldiers in the South was poor. Occupation duty was unpopular as much of the local population resented federal presence and Reconstruction efforts. The Army's priority was on the Plains, so soldiers regarded themselves as a secondary effort. Because the Army reduced from 30,000 to 25,000 authorized soldiers, units were under strength in the South. Since the number of regiments remained the same, some infantry companies went as low as 35 men.[13] The Army became hollow. Consequently,

soldiers did extra duties requiring greater amounts of guard and fatigue duty. Soldiers took a cut in pay, so their purchasing power declined. For example, a private's pay at the end of the war was sixteen dollars a month, but during Reconstruction it dropped to thirteen. Many troops lived in poor post barracks or temporary camp tents. Water sources varied but were often distant or subject to pollution. Latrine facilities were usually make-shift or distant as well.[14]

Perhaps the greatest detriment to morale was the role of the soldiers. After the Civil War and during the Indian campaigns, soldiers thought they should be fighting in conventional military operations. Reconstruction duties were not romantic and seemed to be something civilian authorities should be doing. Although necessary to national development, supervising elections, preventing election riots, administering the Freedmen's Bureau, and monitoring state governments repulsed most soldiers' sensibilities. Detachment operations thus appeared as unconventional soldier duties, that although necessary, were not what soldiers really wanted to do.

Civil-military relations in the South also harmed troop morale. Soldiers had few social activities available to them on posts. Because they enforced unpopular Radical programs, conservative whites usually resented them. For conservatives, only unacceptable scalawags and carpetbaggers

associated with the Army. As time progressed through the 1870s, military relationships improved with civilians. Once its Freedmen Bureau and anti-Ku Klux Klan missions were complete, the Army displayed less concern for African-Americans. Just like the nation, it allowed southern whites to neglect or infringe on black political rights. Therefore, the predominantly conservative southern population increasingly sided with the conservative Army.[15]

Morale remained problematic throughout Reconstruction. Men from eighteen to thirty-five could enlist. By 1869, enlistments were five years for all branches, infantry and artillery increasing from three years. Because enlistments were long, soldiers fought boredom in the South. Assigned to small posts, there was often little for soldiers to do. Since the Army refused recruits with families, most soldiers were single, unoccupied with family matters, and often prone to trouble. Re-enlisting soldiers and officers could have families, but they were older and less troublesome than the younger privates.[16]

The care of military families also became a morale detriment as they lived under the same challenging conditions as the soldiers. Wives and children were isolated on remote southern posts. In many cases, the local community ostracized them as military families, unworthy of asscciation with southern citizens. Local women queried

Army wives as to whether they were the regimental laundresses in order to insult them. Southern children would bully military children at local schools. Schools for military children were inadequate. Although authorized in 1866, the Army neglected dependent schools until 1878, too late to help the occupation force. A lack of family activities was also a problem. George Custer's wife Libbie complained that Elizabethtown, Kentucky, scene of many anti-distilling operations, had a pig for its "most active inhabitant."[17]

Despite much hardship, military families survived. Wives made the best homes that they could for their families. Often from middle-class origins, officer wives were accustomed to domestic servants. They hired civilian women or sometimes used enlisted wives to act as maids. Even though there was a pay cut in 1871 to 1861 levels, soldiers managed to support dependents. Some families made friends with the local populace, so they were not in complete isolation. As Reconstruction progressed, more Southern whites accepted soldiers and their families as friends. Consequently, life became more bearable for dependents.[18]

Regardless of minor infractions and the high absent without leave (AWOL) rate, discipline among soldiers was pretty good. Serious crimes such as murder, rape, or arson were rare.[19] Nonetheless, liquor and boredom led to

numerous minor offenses for disorderly conduct. Posts had guard houses for confinement and extra duty cleaning latrines, carrying garbage, or chopping wood to punish miscreants. Despite the inevitable punishment, many soldiers coped with boredom by taking "the temporary refuge of drunkenness."[20] Insobriety remained a problem to discipline and, no doubt, affected the operations of detachments, particularly ones aimed at destroying liquor.

Although food was adequate for soldiers, the menu lacked variety and, certainly, did not help morale. Breakfast was a basic meal that almost always had at least coffee and bread. Lunch, known as dinner, was the main meal and included no dessert. The evening meal, supper, was a small meal. The main foods were beef, pork, potatoes, bread, beans, onions, and stew. To supplement the diet obtained from issued rations, company commanders established company funds to purchase food on the local economy. Apart from the lack of variety, much of the supplied quartermaster food was spoiled. To provide fresher food, soldiers cultivated post gardens, hunted for game, fished local bodies of water, or even stole crops from nearby farmers. Finally, food preparation suffered as troops had detailed cooks from a first sergeant duty roster. Just about the time soldiers learned how to cook, they rotated off their detail.[21] Although food in the South was the same as the rest of the Army, it suffered from a low budget priority and

improper command attention. For troops, food offered little to help morale.

Even uniforms hindered morale and discipline. As part of their enlistment, soldiers received two clothing issues a year. Their uniforms were Civil War surplus until 1874, when new uniforms varied from five to six hues of blue. Until then, troops received whatever clothing sizes that remained, often tailoring larger uniforms to fit smaller sizes. Many soldiers had uniforms that were ridiculously small. It was better to receive a uniform that was too big but still capable of tailor modification than a size that was too small and impossible to alter. Apart from size, the fabric was too heavy for hot southern duty, and shoes were uncomfortable. Summarizing the clothes issue, the Surgeon General complained that "men felt that they were being neglected and defrauded and developed a hatred for the service which impaired discipline and morale."[22]

From the Army's point of view, Reconstruction was unfavorable duty. The military's focus from the late 1860s through the 1870s was not on the South. Rather, the Army shifted emphasis to the Plains where conflicts against Native Americans increased. Limited military resources were stretched between the South and the West with the latter winning in priority. As a major event occurred in one theater of operations, the Army would transfer troops to

meet the crisis needs, yet there simply were not enough troops to fulfill all requirements everywhere.

During this period the Reconstruction Army engaged in numerous Operations Other Than War that most soldiers disliked. Apart from protecting African-Americans, white Republicans, polling places, and federal agents, it ran the Freedman's Bureau that monitored labor contracts, distributed food, controlled abandoned lands, ran hospitals, and implemented a court system for freedmen.[23] None of these duties resembled traditional combat missions. The Army also aided law enforcement by preventing various criminal activities. These efforts included pursuing the Ku Klux Klan and illicit distillers, but the elimination of illicit distillers was not a high priority in Operations Other Than War. These missions pitted soldiers against conservative southern whites who resented Reconstruction efforts. Most southerners who were not Republicans resisted these Radical efforts to restructure the South and wanted troops withdrawn from their state. Consequently, soldiers were outsiders trying to implement unpopular programs on the local white population, many of whom wanted redemption of their state by restoration of conservative, Democratic state governments. This hostility carried over into civil resentment of soldiers who represented Radical Reconstruction locally.

After Presidential Reconstruction failed, Congress asserted control of the military's occupation effort from the weakened Andrew Johnson administration. The Military Reconstruction Act of 1867, with its three supplemental bills, established the basic authority for the Army to execute its moonshining mission. Apart from creating five military districts encompassing the former Confederacy except for the readmitted Tennessee, it allowed the Army to monitor civil governments while states sought to ratify the Fourteenth Amendment and thereby gain readmission to the Union. There were few periods and areas in which true martial law existed. State civil governments operated within the district, subject to the general orders of the district commander.

These acts also provided general guidance to the military. The Army leadership, however, had doubts about its authority to act in the South.[24] The legislation specifically authorized the use of the Army to enforce laws. The March 2 bill required district commanders to suppress disorder and "to punish...all disturbers of the public peace and criminals."[25] From this general Congressional guidance, district commanders derived basic guidelines for the use of troops.[26] Nonetheless, questions of legality in the use of force remained. Military commanders, provided with ambiguous policy, interpreted the law as they deemed appropriate. Major General John Pope, commander of the

Third Military District encompassing Alabama, Florida, and Georgia, felt the military should not be a police force under non-military control. He standardized a formal civilian request procedure that had to be fulfilled before he would commit soldiers in his district.[27] As the request went up the chain, higher levels of authority had to grant approval to use troops. Pope passed the responsibility to his superiors in a bureaucratic effort to avoid using his units. In the wake of the Reconstruction Acts, the Army had broad guidance to enforce federal laws, albeit not specifically mentioning revenue taxes.

Despite a general reluctance to become involved in Operations Other Than War, the Army engaged in numerous civil-military missions during Reconstruction. They were the only federal agency with sufficient force to enforce laws in the turbulent South. Local commanders exercised considerable flexibility in employing their troops in such a manner as to accomplish their missions. There were no lock-step or well-defined procedures to arrive at an appropriate solution. Often, the desired end states were unclear. Officers had to use their judgments to determine the direction of policy.

This chapter proposes that the southern occupation Army was in a difficult position. Torn between northern Radicals and southern conservatives, the military sought to implement Reconstruction policies as best it could. In a

period of reduced federal spending, the nation granted only small military budgets. Unconcerned with any foreign enemy, America focused westward on the subjugation of Native American tribes. The South and Reconstruction became a backstage arena. Soldiers lived in harsh conditions, performed various unpleasant occupation duties, and suffered from poor morale. Under these conditions, the Army responded to illegal distillers. The next chapter presents the problems that moonshining posed to society.

Endnotes

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CHAPTER 3

ILLICIT DISTILLERS AND REVENUERS

Moonshiners

Moonshiners, illicit distillers who refused to pay taxes, had been in the South long before the Army entered the fray in the 1860s. American distilling dated back to the earliest colonial period. After arriving in Virginia in 1607, colonists received wine and ale from the Old World until starting wine production from wild grapes between 1615 and 1620. Along the James River, Captain George Thorpe began grain distilling with Indian corn in the 1620s. In the middle colonies, the Dutch in New Amsterdam used rye and barley to make spirits in 1640. When spirit production increased, the colonial governments inevitably began regulation. The Puritans in Massachusetts began to require permits for the sale of spirits as early as 1633, monitored the quality of beer, and controlled prices of alcohol by 1657.[1]

As the colonists created a burgeoning liquor market, the crown increased taxation to gain revenue. The English Parliament passed the Molasses Act in 1733 to control the emerging rum production in New England. Following with the 1760s Sugar Act, the crown tried to offset its growing debt

by taxing its colonies under the mercantile system. Colonists increasingly ignored these regulations and resented the mother country's attempts to tax them. These taxes decreased spirit merchants' profits. Since colonists became disillusioned with control of the liquor trade, a tradition of non-compliance to revenue regulation emerged in North America.

When the colonists revolted from England, the new nation's citizens continued their resistance to revenue laws. Whiskey production continued to increase. By 1789, a Baptist minister named Elijah Craig reportedly created bourbon in Kentucky.[2] Western Pennsylvania also experienced growth in whiskey production. Needing federal revenue, Secretary of the Treasury Alexander Hamilton proposed a whiskey tax to obtain money for the indebted central government. Pennsylvania farmers resisted this tax in a 1794 uprising known as the Whiskey Rebellion. A federal militia traveled to Pennsylvania to crush this rebellion and to occupy Pittsburgh. The unpopular tax finally was repealed in 1802, but not before violent resistance became an established means of revenue tax evasion.[3]

Liquor taxes became a wartime measure to pay-off incurred national debts. From 1814 until 1817, a new alcohol tax existed to counter the growing national debt from the War of 1812. The law reappeared in 1862 to counter the debt from the Civil War. This law initially provided

for a twenty cent tax per gallon of spirit, roughly doubling the price of liquor in the Union, but increased several fold by the war's end. The new law also spurred the creation of the Internal Revenue Bureau. For the first time, there would be revenue agents, not just treasury tax collectors, whose purpose was to enforce revenue laws and collect taxes. As the Civil War ended, both political parties realized that the federal government relied on revenues from the alcohol tax.[4] Parties also valued the patronage that the federal jobs represented. The revenue tax even helped to keep the tariffs low, a favorable political consideration. Since liquor taxes accounted for about one third of the federal government's money, they could not be repealed easily. Against this political backdrop, Reconstruction moonshiners plied their trade.

Moonshiners were both urban and rural. This study will focus on rural illicit distillers, the bulk of the national problem. Even though the military targeted some city distilleries, notably in New York City, the majority of the Army's efforts was in the Reconstruction South and former Border States. Producing spirits throughout the Mountain South, moonshiners were predominantly rural farmers seeking supplemental income. Men and women became illicit distillers to avoid paying taxes, so they could have greater profits. Simple economics, therefore, influenced the farmer's distilling decisions. Living in remote mountain

areas, farmers lacked good roads and railroads to get their produce to market. Their plots of land were also small, so they could cultivate only limited amounts of acreage. Consequently, they wanted to plant a crop that would yield the highest price and still transport easily to market. Corn made into whiskey solved the problem. Twenty corn bushels could be transported in a wagon yielding about ten dollars. Yet forty bushels of corn made into whiskey could fill the same wagon and yield one-hundred and fifty dollars.[5] Whiskey helped the moonshiner earn more money with the same limited resources. He had done this for years until a new Civil War tax was imposed by a distant central government.

Moonshiners lived in depressed economic areas that suffered from a lack of industry. Profitable farming was very difficult, and the Mountain South was out of the mainstream of commercial agriculture.[6] Because of poor economic opportunities, many people tried to gain income illegally at the expense of the central government. Moonshining became only one of several criminal activities directed against the federal government. There were also counterfeiting and pension frauds in which supposed widows and children tried to collect enlistment bounties and pensions entitled to their former husbands. People even tried to collect money for food and forage provided to the Union Army during the war.[7] Generally, illicit distillers

came from a poor rural society in which hard currency was scarce and resistance to federal laws frequent. Lying to federal agents by witnesses, moonshiners, or neighbors became an accepted norm.

Obstinate mountaineers additionally questioned the central government's right to tax liquor. Some refused to acknowledge the federal government, regarding it as a foreign, Radical entity. Illicit distillers also had family traditions dating back before 1862. Suddenly, family stills had become illegal. A moonshiner resented that the government had left his father and grandfather alone while they were distilling, but now he had to hide his still or risk arrest. Mountaineers clung to an American tradition of making spirits that dated back to George Washington and Thomas Jefferson, both of whom made rye whiskey.[8] Now revenue agents would enforce a new law against a people whose heritage opposed it.

Apart from economics and family heritage, moonshiners also resisted Reconstruction efforts. They opposed the central government's efforts to assume greater control of a citizen's life. The Civil War expanded the federal bureaucracy. Through the Internal Revenue Bureau and Department of Justice, both entirely new agencies, the federal government tried to transform mountain folk into a more modern society. For this transformation, the government needed increased funds to operate on a larger

scale. Revenue taxes became essential. Nonetheless, elements of society resisted this increased centralized control for various reasons to include disliking federal power. Moonshiners, just as the Ku Klux Klan, resisted federal agents. Indeed, many Klansmen were distillers, and distilling became a source of funds for Klan activities.[9] Moonshiners often used intimidation tactics like the Ku Klux Klan, but they were not as politically organized as the white supremacists. They also lacked the local elite's support.[10] Consequently, illicit distillers became a separate enemy of the ever-growing federal government.

The farmer needed few special assets to begin moonshining. The first was a location for his still. The still had to be adjacent to a stream or a spring. The distilling process required cold water for cooling and boiling the still's contents. To avoid unwanted visitors, the location needed to be secluded where local people or strangers would not travel. Areas deep in hollows were ideal as smoke from the still would dissipate before rising above hilltops, preventing detection. Thick underbrush around the still also offered concealment and early warning if noisy agents approached. Terrain features such as cliffs or caves provided limited routes of ingress and prevented easy detection. Near the still, there was usually a still house. This structure, fashioned out of logs, sheltered moonshiners during the operation of the still.[11]

The still itself was copper and normally had a 125 gallon capacity. Costing about a dollar a gallon, it was the largest capital expenditure to begin a moonshining operation. There were less costly equivalents, such as a sugar kettle, that could substitute for a more expensive still. Ironically, people could legally buy a turpentine still that was formerly a moonshine still, demonstrating that society had not eliminated loopholes for obtaining illicit distilling paraphernalia. The still had a removable cap, so it could be filled with mash, a grain-water mixture. The moonshiner fashioned a worm, an attachment to the still, out of a tin or copper pipe by filling it with sand and bending it around a tree or post five to eight times. Once submerged in cool stream water, the coiled worm condensed vapor from the still into distillate. Finally, the still itself sat on a stone furnace, so a fire could heat it.[12]

In addition to the still, the moonshiner needed ten to twenty one hundred gallon tubs to make mash. These tubs were filled with grain and scalding water. The tubs then sat for three to four days to ferment after which the contents were emptied into the still one at a time to separate the alcohol from the water. These tubs, along with the requisite amount of firewood, made the still site larger than could easily be concealed around a farm.[13]

Illicit distillers were active from after the autumn harvest until spring planting. The corn crop was used for

whiskey and apples or peaches for brandy. The still's first distillate output was a singling or low wine. If moonshiners put this liquid back through the still, they received a doubling or whiskey. Once the distilling procedure began, it could not be interrupted without ruining the whiskey. The moonshiner used his experience and taste to determine the timing of the process. They could do two or three doublings a week. The two weeks before Christmas became the peak season with non-stop still operations. The average still could produce eighty gallons a week, yielding about a seventy dollar profit.[14] The ninety cent tax per gallon of the late 1870s would almost double the price of moonshine or eliminate almost all profit from distilling; most small rural distillers could not afford the tax, so they refused to pay it.

In the 1870s, moonshiners generally were popular with the local people. Most neighbors were sympathetic to illicit distillers, or they feared to take any legal actions because moonshiners used intimidation to dissuade potential witnesses. Such techniques included whippings, killings, or barn burnings.[15] Moonshiners often had family ties with local residents. They grouped together for protection and provided mutual security through early warning if federal agents approached. The close network of mountain people made them leery of strangers who might be revenue agents in disguise. If strangers stumbled onto a still, moonshiners

usually made them work at the site, so they would be guilty of illicit distilling as well.[16]

Once the moonshine was made, it had to be sold. "Blockaders" transported the liquor to market and sold it. They could peddle moonshine from a roadside wagon or carry five or ten gallon kegs on a mule to local taverns. Kegs by either conveyance were covered with quilts to avoid detection. Moonshiners also sold from locations near the still. Communities often knew of a tree that one could place an empty jug or bottle at its base with two dollars and come back later to find a container full of liquor. This secret method prevented witnesses and made prosecution difficult because no one ever saw anything. If a customer was short of cash, he could leave three bushels of corn meal for one gallon of whiskey.[17] Another contact method involved stomping on a bridge to attract the attention of the blockader underneath the bridge, while still others involved a coded dialogue between the buyer and salesman.[18] Selling techniques varied locally but always were designed to make revenue enforcement more difficult.

In many ways, moonshiners were typical mountaineers. Racially, they were predominantly white males although some African-Americans were involved. As with any small farm, family members helped to operate and to supply the still. These mountain men had an unkempt appearance from homespun clothes, long hair with beards, and irregular hygiene

habits. They also enjoyed rough entertainment. Apart from traditional square dances such as the Virginia Reel and blue grass music such as "Little Brown Jug," they engaged in many games to include the seemingly cruel sport of gander pulling. This game involved hanging a goose with a greased neck by its feet from a tree. The mountaineer would ride by and grab its neck--the winner breaking the gander's neck. They also participated in hunting, trapping, and fishing as favorite pastimes that provided necessary food supplements.[19]

Not all people were enamored with illicit moonshiners. Many people acted as informers and guides for the revenuers. George W. Atkinson, a revenue agent, claimed that communities began to turn against distillers because a still could "demoralize a community for at least three miles in every direction."[20] Informers, many of whom were former moonshiners, wrote U.S. marshals and offered their services as guides for a monetary reward. Because of the intense poverty, moonshiners were vulnerable to betrayal from mountaineers outside of the local kin network. Informers also may have had personal grudges against the accused and used the law for revenge. Some people were angry because moonshiners used limited food to make whiskey instead of feeding the hungry populace.[21]

The national perception of moonshiners varied. A supposedly true 1879 account of a North Carolina school

teacher, Gabrielle Austin, portrayed the leading moonshining outlaw of the day, Lewis Redmond, as a hero. In a dime novel-type approach, the story depicted Redmond as a man who "bravely and chivalrously defended a woman's sacred honor."[22] Redmond stops an African-American constable from unjustifiably whipping Gabrielle for false larceny charges. Redmond's action started a mob that ran Reconstruction officials out of town, no doubt to conservatives' delight. Redmond was glorified for killing fifty men and for protecting the school teacher, even from his own men. The account had a romantic view of stills as mystical places

> ...deep down into an inner cavern where great copper cauldrons were hissing and seething, tended by half-naked men, who in the dull glare of the furnace fires looked like demons minding the fires of Hades.[23]

Redmond was a great adventurer who committed exciting crimes and remained elusive to authorities. This account was published in both English and German and probably received wide dissemination.

In George W. Atkinson's 1881 account of the Internal Revenue Bureau, he countered the opinion of Gabrielle Austin by denouncing her account. He characterized Lewis Redmond as the "most notorious character in America" who deserved punishment.[24] His view of moonshiners, albeit that of a revenuer, was negative. In his eyes, they were lazy men who sat around and drank their product. His contempt for them

was summarized in the following passage on their poverty:

> Everything connected with agricultural interests in these mountains bear the marks of unthrift; poor stock, old-fashioned farming implements, worn out lands, all set forth in unmistakable language, that these people are "a hundred years behind the times." Capt. Davis' remarkable story about seeing a man in the mountains trying to drive a hog out of his garden by wheeling a dog after it in a wheel-barrow--the dog being too poor to walk, but still about to do the barking--is scarcely an exaggeration of the poverty of these mountain people.[25]

Atkinson depicted his disdain for the moonshiners who resisted modernity. They were not trying to improve, instead remaining locked in the past. For him, there was nothing romantic about their poverty-stricken lifestyle.

These two contradicting viewpoints of illicit distillers persisted. Walter L. Hawley's Old Pap Grimes, an 1893 moonshining story published in New York, depicted Pap Grimes as an omniscient sage of the hills. He was a mysterious, romantic "King of the Moonshiners."[26] This adventure story patterned itself after the Gabrielle Austin account and glorified moonshining. John William DeForest, a South Carolina Freedmen's Bureau agent, reflected Atkinson's viewpoint. He characterized poor whites as "so lazy that they would rather go without liquor than work for it."[27] As these reports circulated through society, it is difficult to determine the public's view of moonshiners. No doubt, it varied depending on the person's opinion of Reconstruction and knowledge of revenue enforcement issues.

Newspapers gave varied accounts of moonshiners. The New York Times favored revenue agents. It criticized Redmond for his "murderous demonstration" for attempting to shoot a revenue agent. The same article reputed him having a mistress, not the noble man dedicated to women's honor as told by Gabrielle Austin.[28] The Army-Navy Journal attacked moonshiners in the wake of the murder of an Army lieutenant by distillers. The Journal referred to illicit distillers as cowards, brigands, and a "political and social evil."[29] Yet all news accounts were not negative. The Asheville Western Expositor, a Democratic paper, disdained Radical Reconstruction efforts. It denounced revenue efforts as carpetbag oppression. The paper also ridiculed the temperance movement while favoring the Ku Klux Klan.[30] In this local paper, moonshiners were not denounced. Moonshiners for most Americans probably remained a mystery. Little was known about them individually, and newspaper accounts about them remained ambivalent. Illicit distillers became enemies for some and romantic resisters for others. People's opinions of moonshiners undoubtedly influenced their concept concerning the main federal opposition--the revenuers.

Revenuers

In Reconstruction, the Internal Revenue Bureau had a short history. Founded in 1863, the Bureau was plagued by

corruption through the mid-1870s. Fraudulent gauging, the monitoring of spirit production at a distillery, and bribes to collectors discredited the Bureau in the eyes of the public. The Whiskey Ring sent charges of corruption to the highest levels of the Grant administration. Some Democratic newspapers attacked Grant and Bureau agents, claiming that Grant was drinking very hard to get rid of the crooked whiskey. Against this tenuous beginning, the Bureau tried to establish public credibility and effectiveness against moonshiners.[31]

The Bureau had a definite hierarchical structure. The Commissioner, a political appointee, headed the organization. The United States was divided into districts, each one having a supervisor position that was founded in 1868. Collectors worked for the supervisor. Depending on the amount of illicit distilling in the district, collectors could have deputy collectors. Consequently, the Bureau was a considerable patronage machine. Larger districts, such as the Fifth Kentucky or the Sixth North Carolina, contained hundreds of deputy collector appointments.[32] In the weakened southern Reconstruction economy, jobs that paid hard currency were rare. The national depression from 1873 to 1879 only exacerbated the employment situation, so Bureau agents were fortunate to have a job.

The creation of the Internal Revenue Bureau was part of a tremendous growth in the federal government during and

after the Civil War. In addition to the field collector positions, the agency required numerous clerks to perform bureaucratic tasks beginning in 1866. The Bureau worked in close cooperation with the Department of Justice. U.S. marshals and district attorneys also symbolized a more powerful central government as their number increased. It was within this expanding bureaucracy that revenue agents had to operate.

Agents labored under complex legal procedures. Normally, an informer approached a deputy marshal with information about a still location. The informer sought the ten dollar or higher reward and might even act as a guide. The deputy marshal told the collector about the lead who in turn investigated it. If the collector was satisfied as to its legitimacy, he briefed the U.S. attorney to ascertain if there was a case. The attorney then sought a preliminary hearing before a U.S. Commissioner, the federal equivalent of a justice of the peace. The commissioner issued warrants to the deputy marshal who would make the arrest. The U.S. attorney would then prosecute the case for the government.[33] Although a raid abbreviated the process, it remained convoluted. Inherent in both processes was interagency cooperation between the Justice Department and Revenue Bureau.

The increased federal government size was not without problems. Because of more federal laws involving

civil rights and revenue legislation, more federal crimes existed, causing a greater work load for federal attorneys. During a period of reduced funding, courts ran out of money to prosecute cases. The government appeared weak as cases were delayed or dismissed. There was also no Federal Bureau of Investigation, so marshals became overburdened with federal cases. Collectors and U.S. attorneys both suffered from a lack of guidance from the Internal Revenue Bureau and the Justice Department. Washington officials found it difficult to issue precise guidance to local areas. Since they knew less than agents on the ground about the local situation, they allowed agents and attorneys to act with their own discretion. The result was an ambiguous policy that lacked national direction.[34]

Not until the 1876 appointment of Commissioner Green B. Raum did the Internal Revenue Bureau begin to receive real leadership. Raum initiated a crack down known as Raum's War from 1878 until 1881, its peak year being 1878, the year the Army officially was relieved from the moonshining mission. The strategy of the Bureau became to increase tax receipts. Raum's War cost the federal government $285,000 but yielded $2,583,000 in additional revenues. One revenue agent, George W. Atkinson, calculated that the government lost at least $7,042,500 annually through the 1870s.[35] By destroying stills, the Internal Revenue Bureau decreased the amount of illicit liquor and

encouraged mountaineers to open legal distilleries rather than risk forcible closure and arrest. During revenuers' job performance, agents continually struggled between too much force that yielded complaints of oppression and too little force that portrayed weakness.[36]

Revenuers were known most for raids. Agents relied on informers to locate stills for five to ten dollars. Many of these informers were women or African-Americans who had personal vendettas or were outside the close network of mountaineers. Collectors, deputy collectors, or U.S. marshals gathered a civilian or military posse to go into the hills to act. Posses were usually from five to twenty-five men. Ten men was the optimal number. Agents were armed with Colt revolvers and Springfield rifles and almost always mounted, so the posse could ride quickly into the hills. The informer often acted as guide for the posse, enabling it to locate the exact spot of the still. The party would dismount several hundred yards from the still, leave someone with the horses hidden in a thicket, and charge the still. Anyone in the area was arrested, and prisoners were transported to courts. A raid involved hard riding, often in rain and cold weather, to numerous still sites. It was not an easy life.[37]

Revenuers had a dangerous occupation. By 1881, twenty-nine agents had been killed and sixty-three seriously wounded. Initially, moonshiners were more violent in their

resistance, but as the enforcement increased, violence became rare.[38] Although most informer letters were legitimate, occasionally some led agents into ambushes. Additionally, moonshiners often used decoy torches to lure revenuers away from a still. These torches could be put over the side of a cliff in the hopes that an agent would fall off the precipice at night.[39]

Support for revenuers, as with moonshiners, varied. Southern conservatives thought agents were part of the dreaded Radical Reconstruction effort. They hated them because they viewed agents as "tyrannizing over a defeated people."[40] Congressman Zebulon Vance of North Carolina despised revenue agents. He used an article from the 1878 Charlotte Observer to show his disdain on the House floor:

> These men [agents]...are those who are willing to become pies and informers, and in the South, since the war, they have been, for the most part, political adventurers of the lowest grade from other states, or natives who have lost the respect of the communities in which they live. These men...have not hesitated to rob, to murder, and even to ravish, to say nothing of the insults, brutalities, and thousands of minor outrages of which they have been guilty. From Virginia to Texas, for years, the cries of a helpless people have gone up against the oppressions of these petty tyrants.[41]

Vance felt Bureau agents were the dregs of society. For him, they violated constitutional liberties and required immediate removal from the federal payrolls.

Pro-moonshiners also characterized agents as corrupt villains. The 1879 account of Gabrielle Austin criticized agents for enforcing a revenue law that was an "obnoxious

tax upon distilled liquors."[42] This theme continued in the popular genre as the 1893 story Old Pap Grimes portrayed the villain, Dick Bannister, as only suitable for revenue work instead of labor for a "decent man."[43] Some local sheriffs and judges tried to hinder revenuers. If an agent or marshal shot a moonshiner, they could be arrested. The federal government responded by transferring the case to federal court where it was dismissed. Still, this perceived injustice led to expressions of discontent from the local population. Agents were criticized by newspaper editors and state officials. Tennessee Congressional candidates attacked revenue agents in their campaigns. Commissioner Raum even complained that the murder of a deputy marshal barely created "a ripple on the surface of the public mind."[44]

Besides the lack of local support, the revenuers' job became more frustrating as the bureaucracy failed to help. The court was usually lenient on a first term offender, so many cases had suspended sentences. Punishment also tended to be light. In East Tennessee, the average conviction received a sentence of twenty-seven days in jail. The deterrent effect, therefore, was weak. To the poor moonshiner, a trip to an Ohio or New York jail could seem like a paid vacation. When the moonshiner returned, economics necessitated his resumption of illicit distilling. Lack of court funds also hurt enforcement efforts. Courts

could not always afford to pay witness fees. To compensate this shortcoming, some marshals took out personal loans to lodge jurors and witnesses. Funding remained a problem. Marshals received a two dollar lump sum for serving an arrest warrant regardless of how remote the location. They also transported prisoners hundreds of miles to court. These actions required personal expense on the marshal's part and, consequently, led to interagency conflict with revenue agents on costs and procedures.[45]

Revenue agents improved in effectiveness as the 1870s progressed. Because they had no manual to teach them their job, they learned through experience. When they lacked guidance from Washington, they executed policy as best they could. Congress, the Bureau Commissioner, and the Attorney General often were slow to act, especially if public opinion was apathetic. Mountaineers, for the most part, resented agents. Even though federal courts had heavy caseloads, marshals and agents continued to raid stills.[46] Despite strenuous efforts, moonshiners remained a problem. During this conflict, the federal government sought to improve its enforcement with its most formidable force projection element--the U.S. Army.

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[41]Congress, House, Speech of Congressman Zebulon Vance of North Carolina on Revenue Bill, 45th Cong., 2d sess., Congressional Record (15 June 1878), vol. 7, 4676.

[42]Crittenden, 39.

[43]Hawley, 30.

[44]Cresswell, 16, 154, 246; Atkinson, 28, 29.

[45]Cresswell, 166, 176-177, 180.

[46]Ibid., 255, 264.

CHAPTER 4

MOONSHINERS AND THE ARMY

As the Army engaged in its Reconstruction duties, it executed one of its least favorite missions--countering illicit distillers. From the top down, the military shunned police-type duties. Major General Henry W. Halleck, commander of the Military Division of the South in 1870, deemed this particular duty beneath officers and unworthy of the military. Since the military wanted to avoid civil law enforcement, it had no desire to involve itself against moonshiners. Perhaps more than any other military Reconstruction duty, the Army stumbled into its assistance in revenue collection.[1]

Counter moonshine operations were never a priority mission for the Army as a whole. Mainly units assigned to western North Carolina, northern Georgia, and eastern Kentucky became involved in anti-moonshine raids because of the abundance of illicit stills in these areas. For these units, predominantly in the Department of the South, revenue assistance became a major duty. General Halleck first acknowledged that helping revenue officers was a principal duty in 1869. Within the Division of the South, soldiers in Kentucky, Tennessee, Georgia, and South Carolina reported

helping collectors to eliminate illicit distilleries. Already by 1869, the post at Lebanon, Kentucky claimed 52 arrests and 20 destroyed stills while Chattanooga troops reported capturing 60 distilleries. Thereafter, enforcement aid remained fairly consistent through the 1870s. Department commander Brigadier General Alfred H. Terry claimed the Department of the South provided "numerous detachments...to support the civil authorities" in 1870.[2] The next three years required continued assistance to civil officers with over 200 detachments in 1871, 160 in 1872, and "numerous" detachments across Florida, Alabama, Georgia, the Carolinas, and the Virginias in 1873. The annual Department of the South reports provided an exact breakdown for Internal Revenue Bureau support beginning in 1874 when 42 patrols helped agents. The Department provided 41 detachments and relocated two posts to Morganton, North Carolina and Greenville, South Carolina in 1875. Finally, it created 71 detachments in 1876 to aid civil officers. Althougn not mentioned in annual reports, counter moonshine operations continued at least through the summer of 1877.[3]

The Army first entered alcohol control a month after the Military Reconstruction Act of 1867. Although not specifically mentioned in the Reconstruction Act, Major General Daniel E. Sickles, commander of the Second Military District encompassing the Carolinas, restricted the sale of liquor to soldiers. Persons violating this general order

would be tried by military tribunal and receive a one hundred dollar fine or two months in jail. Because Sickles wanted sober troops who were well disciplined, he acted under his authority as commander to restrict their access to liquor. He then expanded his anti-alcohol policy by restricting distilling in the district. Citing improper resistance to revenue officers, shortages of grain for food, lack of convictions for revenue infractions, and a general increase in disorder, Sickles prohibited further distillation of grain, threatening the use of troops and military tribunals to enforce his edict. The following week he required inn-keepers to have a license for the sale of liquor and to pay appropriate revenue taxes. In the same general order, he also held proprietors responsible for inebriated customers. As the November election approached, Sickles banned the sale of liquors near polling places and required police to enforce this ban with prompt arrests. In December, he then imposed an additional five percent quarterly liquor tax. Finally, for whatever reason, he revoked his restrictions on the last day of 1867; the New Year would allow distillation and normal licensing to resume.[4]

General Sickles used his authority as district commander to implement seemingly reasonable policies that he thought would benefit the Carolinas. He wanted law and order through the reduction of drunkenness, and he desired a

plentiful food supply. He sought to end the flagrant disregard and threats toward revenue agents that occurred as early as 1867. He wanted orderly elections that minimized violence at the polls. Yet the populace was unready for the inevitable prohibition that resulted from the cessation of alcohol production accompanied by an inability to import a sufficient liquor supply to meet public demand.

These district general orders were not Army policy. They were simply one commander's vision of what was necessary in the Carolinas. The Army's involvement against illegal distillers would not follow the pattern of implementing general orders or a quasi-prohibition. Rather, it became an effort to enforce federal law. Immediately upon the conclusion of the Civil War, local commanders sought to restore civil order. In their efforts they doubtless restricted liquor at times to prevent lawlessness. They may have aided revenue agents on a case by case basis as the Internal Revenue Bureau became more active in the South. As evident in Sickle's general order, resistance to revenue enforcement had grown so prevalent by 1867 that Army aid was deemed necessary.

As Congress imposed its version of Reconstruction on the South in March 1867, the Reconstruction Acts required adherence to federal law and officials. Implied in these provisions, but not specifically mentioned, were the often despised revenue taxes. Because the national government

emerged more powerful after the Civil War, it could no longer continue to allow local or state governments to ignore federal revenue taxes. These federal taxes represented the authority of the central government, so it demanded compliance. Since many local officials refused to aid revenue agents, certain areas of military districts were unsafe for agents. To remedy this lawlessness, detachments of soldiers began to accompany marshals and agents. When and where the first group of soldiers journeyed with an agent is unknown, but an assistance system was in force by late 1867 to early 1868.[5] These detachments traveled to remote mountainous areas and became the backbone of the Army's efforts against moonshiners.

Like the moonshining mission itself, the Army stumbled across its authority to act against moonshiners. The legal power to use detachments as a *posse comitatus* rested under the decision to combat the Ku Klux Klan, not any particular desire to fight distillers. As the Klan emerged after the Reconstruction Acts, requests from U.S. marshals for military assistance arrived in Washington. President Andrew Johnson, who opposed Radical Reconstruction, rerouted these requests to a bewildered War Department. The Justice Department ended up taking the lead in this matter when Attorney General William W. Evarts invoked the 1854 Cushing Doctrine to justify the use of troops. The policy, proposed by then Attorney General Caleb

Cushing, declared that soldiers could be used to aid marshals in connection with the 1850 Fugitive Slave Law. In the Cushing Doctrine, it was unnecessary to involve the President as marshals could deal directly with local commanders. This legal justification rarely was used until Evarts resurrected it in 1868. Although its focus was on combating the Klan, the general nature of the doctrine covered any federal officer in need, to include revenue agents. Thus, almost by accident, the Army became a supplemental force to marshals and agents in the Justice Department's and Internal Revenue Bureau's growing efforts to combat moonshiners.[6]

Even with the Cushing Doctrine, uncertainty remained on the part of military leaders. General Halleck continually asked that Congress pass laws to clarify the use of soldiers as a *posse comitatus*. In his annual 1870 and 1871 reports for the Division of the South, he complained that any revenue officer could call for a military escort. Halleck wanted a court order authorizing troop requisitions only after a civil posse could not be obtained. This requirement would probably have eliminated military assistance in the more populated South while preserving the Army's ability to act as a *posse comitatus* in the remote territories, a function the military considered necessary. Halleck also wanted clarification of the authority that the military had while operating under a civil officer.

According to Halleck, agents and marshals frequently told soldiers to undertake enforcement actions for which the military had no specified authority.[7] Halleck's arguments represented the prevailing Army attitude concerning Reconstruction duty. Soldiers and officers disliked being policemen. In the early 1870s, military commanders did not want to aid revenue agents.

The next major piece of Reconstruction legislation that defined the Army's involvement in the South was the Force Act of 1871. This act allowed marshals and agents to summon troops to serve on posses, basically codifying the Cushing Doctrine. Primarily aimed at neutralizing the Ku Klux Klan, illicit distillation once again fell under the general umbrella of Congressional reconstruction efforts. Because this act made it easier to use the military, federal agents started using more soldier detachments as posses. General of the Army William T. Sherman, the Army's commanding general during the 1870s, questioned his Judge Advocate General as to the legality of military posses only to learn that since the Attorney General had told the Secretary of War that it was acceptable, military posses, therefore, must be legal. A doubting Sherman responded cautiously by instituting restrictive rules of engagement. Soldiers could only shoot when directed by a civil officer acting within his authority or in self-protection, and were not to violate the law while enforcing it.[8]

Detachments assumed a fairly consistent structure. The size of the element could vary from less than a squad to a company but was usually squad-sized. Larger elements generally responded to Ku Klux Klan violence or urban riots, whereas illegal distillers, who operated independently, only required smaller forces of ten to twenty-five men. Thus a squad was a sufficient force for most moonshine raids because illicit distillers infrequently joined together in any united resistance. The need for stealth also favored a smaller force. The larger the element, the harder it was to approach a still and maintain surprise. Finally, the occupation Army was spread into company-sized posts across the South. If a commander was to maintain his post garrison, he only could spare small detachments because of his troop shortage.[9]

Regardless of the soldiers' branches, infantry, artillery, or cavalry, squads were mounted because they moved up to twenty-five miles a day. Infantry and artillery soldiers had to rent mounts or receive them from the Internal Revenue Bureau. Mounted troops could more easily pursue criminals. The length of deployments varied from a few days to a few weeks. Although non-commissioned officers led some squads, officers normally commanded the detachments. Most patrols were led by lieutenants, but they could be commanded by as high as a major. Over time, patrols would become more routine, with numbers and

leadership rank falling.[10] Commanders wanted an officer present with the detachment to ensure it acted properly and to interpose between the agent or marshal and the soldiers. If the civil agent ordered the detachment to do something improper, the officer would be more likely to countermand the order than a lower-ranking soldier.

A complex interaction ensued under leadership of the detachment. Although the military chain-of-command remained, the force responded to U.S. marshals or revenue agents. During a raid, these civil officers had arrest warrants, knew still locations, and determined what was destroyed on site. The troops simply provided any necessary force in case there was resistance while civil officers performed their duties. The Army did not assume a leadership role in combating illegal distillers. On the contrary, generals were content to let civilian authorities determine the direction in the war on moonshiners. They preferred that the detachments operated under civil control and under civilian responsibility.

Because of its uncertainty in authority as a *posse comitatus*, the military, from the commanding general down to privates, questioned its role in fighting illicit distillers. As the legal term implies, the Army was subordinate to civil authorities. It remained satisfied to follow in this politically sensitive mission. Additionally, the military was performing a task for which it had no

ownership. Controlling distillers and collecting taxes was the Internal Revenue Bureau's job. It did not involve warfighting or protection of the nation. More so than quelling insurrections or preventing violence, suppressing illicit distillers represented an exclusive police force duty. Across the board, senior Army commanders disdained military involvement in revenue duties. Major General George Meade, commander of the Division of the Atlantic in 1871, referred to them as having "a delicate and often embarrassing character."[11] Concurrently, General Halleck resented officers having to perform revenue enforcement, a responsibility he characterized as "disagreeable" [and] which can hardly be said to legitimately belong to the military service."[12] The Army wanted no part of the anti-distilling mission, but it was stuck with it. It would battle moonshiners for the next decade with mixed success.

The ambiguity in authority led military commanders tc fear what detachments might do. Since fighting illegal distillers was only one of the many Army Reconstruction missions, and a subordinate one at that, commanders wanted tight control of detachments, so they would not alienate the southern populace or entangle the Army in complicated legal conflicts. The desire for more senior leadership was why detachments were predominantly officer-led versus non-commissioned officer-led. Senior commanders' concerns were legitimate as evident in the case of one detachment in

Louisiana. An over zealous lieutenant would demonstrate all the negative outcomes that the Army senior leadership feared from a detachment.

To understand these concerns over employing soldiers in domestic law enforcement, one must realize how much could go wrong with a detachment. An extreme example demonstrates the detrimental impact that the Army suffered when a detachment commander led a patrol in a poor manner. The Army-Navy Journal, a professional military newspaper, reported on the 1875 court-martial results of Second Lieutenant Benjamin H. Hodgson of the Seventh Cavalry. Hodgson's detachment acted as a posse for a deputy U.S. marshal in Louisiana. During this excursion, the lieutenant threatened to shoot a suspect and then guards and he intimidated a prisoner by pointing their rifles and his revolver at him, claiming that these weapons were his authority to arrest the suspect. Continuing in his misconduct, the lieutenant next rejected a state judge's presentation of a writ of *habeas corpus*. Unauthorized to do this, Hodgson then told the judge to "go to hell" and submit any future request in triplicate, so he could have one with which to shave, one to light his pipe, and one to use in the privy. Hodgson also cut telegraph wires and became intoxicated at various times while commanding the detachment. After extensive word changes on charges, the court-martial returned Hodgson to duty in his regiment where

he died the next year at the Little Big Horn, and is remembered only as an obscure name on the Fort Leavenworth Memorial Chapel wall.[13]

This case dramatized many Army leadership concerns during Reconstruction. A small detachment operated with decentralized control under a junior officer or non-commissioned officer. These leaders frequently lacked the experience and maturity to make the best tactical or political decisions. They often threatened to or used more force than was required. This case also brought soldiers into direct legal conflict with state officials. The civilian animosity in this situation was exacerbated by the lieutenant's provocative words. The Army wanted to avoid political conflicts with state officials whenever possible because it inevitably had to answer to state representatives in Congress. Hodgson also acted in an unmilitary manner on numerous occasions and even destroyed private property. His patrol reflected unfavorably on the Army and then his conduct received national press coverage. Army generals, no doubt, wished his outrages had never happened for they confirmed their worst fears about civil-military operations.

Another incident revealed other problematic aspects of detachments. The January 23, 1876 New York Times reported that a soldier killed an attacking moonshiner after a raiding party had seized a still in Pickens County, Georgia. Two sides to this episode emerged. The Army

claimed the victim charged the soldiers brandishing a pistol. The moonshiners said the troop was at fault and guilty of murder. As the soldiers transported the captured still to nearby Cartersville, a posse led by the sheriff overtook the detachment and arrested the soldier who shot the illicit distiller. The commander and the revenue agent went with the arrested soldier while the other troops continued on with the still and arrested distillers. The newspaper claimed that the case had raised "considerable excitement throughout the whole country."[14] Soldier cases were transfered to federal court and usually dismissed, yet this case stirred-up emotion and created hard feelings.

Detachments spread across the South to help revenue officers. Since moonshiners were in the mountainous interior, soldiers had to relocate into temporary posts or travel from permanent garrisons in order to be more accessible to the troubled areas. The Post of Morganton in North Carolina reflected this concept. Established in April 1867, the post became a military base of operations for fifteen counties in western North Carolina. The post was conveniently situated on the Western North Carolina Railroad line to minimize logistical transportation costs. As early as May 1867 portions of Company I, 5th Cavalry aided civil officers in law enforcement. The commander of Morganton first specifically recorded a revenue duty detachment of twenty-five led by a major in March 1868. Regardless, many

detachments traveled from permanent garrisons, the preferred military solution because it minimized costs.[15]

Immediately, the post returns from Morganton revealed a shortcoming to the Revenue Bureau's, and hence military's, approach to combating illicit distillers. The problem was how to measure the success of detachments. Monthly reports contained amounts of still paraphernalia destroyed and numbers of illicit distillers arrested. They carefully articulated the number of copper stills destroyed to include caps and worms, the gallon capacity of each still usually between 80 and 100, the number of mash tubs, and the quantity of whiskey destroyed. The Army-Navy Journal and New York Times used the same quantitative approach to report anti-moonshining operations to the public. Consequently, the public and government had impressive sounding numbers to show material success in the war on moonshine, but the figures were not in any context. The Morganton reports reflected busy soldiers, who were no doubt earning their pay, but higher commanders had no measure of true success because they never were sure how bad moonshining was in the region. All they knew was that it was wide-spread, and soldiers were there helping revenue agents. Nonetheless, the quantitative reporting at Morganton continued throughout Reconstruction as the post commander, Captain Edward R. Williston's annual summation on June 30, 1876 listed eighty arrested distillers and thirty-eight captured distilleries

that included thirty copper stills and several hundred destroyed tubs of beer, whiskey, and brandy. Clearly, the Army was playing an active role in assisting the Revenue Bureau in western North Carolina, as well as all of the South, but overall success remained elusive.[16]

Detachments formed up and left camps under the direction of U.S. marshals or bureau agents. Patrols either had a marshal or an agent, and sometimes they had both. If a deputy marshal had an arrest warrant, he usually needed military protection to serve it on the suspected distiller and provide any necessary force to execute the law. Through the aid of guides, they located and closed stills, taking suspects into custody and turning them over to U.S. marshals for confinement and trial. Usually, moonshiners fled or surrendered in the presence of soldiers and overwhelming force.

Most patrols were mundane in nature. The tax collector might simply collect back taxes or a marshal might serve an arrest warrant. The location of the moonshiners necessitated that detachments travel to remote areas over rugged terrain. The Appalachian South in the 1870s lacked a good road structure. Soldiers, most of whom were not cavalrymen by profession, rode many days through the mountains. These inexperienced riders were sore and tired. They carried their own rations and around forty rounds of ammunition for their carbines. Cold and rainy weather were

not excuses to stop the patrol. The duty was unglamorous and often miserable.[17]

The real excitement for the soldier came on the raid. Successful raids increased morale and provided soldiers with a sense of accomplishment. To locate stills, agents procured an informer who generally acted as a guide. Motivated by a cash reward of up to 300 dollars, these guides led the agents, deputy marshals, and soldiers to the still. Several stills could be targeted in the same raid. Area reconnaissance was usually neglected since any discovery of soldiers by the unsympathetic population led to early warning for the moonshiners. Detachments, therefore, moved in quickly under cover of darkness and went to the suspected still locations. Soldiers also operated at night because that was when moonshiners plied their trade. The detachment dismounted a safe distance away and left a guard with the horses or secured them. Leery of an early warning method, soldiers feared barking dogs who would warn moonshiners of their arrival. They approached the still quietly and then rushed the moonshiners. Troops expected two to six illicit distillers in the vicinity of the still who might be armed but usually offered no resistance. Agents made decisions on arrests, and soldiers only fired in self-defense. The agent also decided what to do with the property at the still site. Usually, liquor was destroyed because it was not cost effective to transport it to market.

Stills were either broken or transported and sold. Soldiers have been unfairly accused by historians of drinking the captured liquor, a groundless claim that runs contrary to a military chain of command's desire for discipline.[18]

Occasionally, detachments experienced violence. As they approached an area, civilians, notably children or wives, could warn moonshiners of the soldiers' approach. They could run ahead of the patrol on secret trails, fire warning shots, or sound horns. Normally, the illicit distillers would flee or attempt to hold the still site. In the decade of assisting revenue agents, only two soldiers were killed and several wounded. Civil agents were far more likely to be wounded, adding credence to the observation that people were afraid to shoot Union soldiers (See Annual Summation Chart).[19]

The first soldier death occurred in 1871 when a deputy marshal was serving a warrant against a Cassius Coffey in Kentucky. A detachment led by a non-commissioned officer accompanied the deputy marshal. When the four soldiers and marshal rushed the house, Coffey, who had been threatened by the Ku Klux Klan and feared the soldiers were Klan members, fired to protect his family and killed a Private Crusoe. Apparently when Coffey learned that he had killed a soldier, he lamented that he "had killed a brother."[20] This episode was more a tragic mistake, indicative of the danger inherent in law enforcement. The

incident created no military resentment against distillers because the Army-Navy Journal mistakenly reported that Coffey was a member of the Ku Klux Klan, not an illicit distiller.[21]

The second soldier death was helpful in changing public opinion. The 1877 death of Second Lieutenant Augustine McIntyre helped to stir the country against moonshiners. McIntyre led a detachment of 2nd Infantry soldiers into the mountains of northern Georgia. The operation netted 84 distillers and 33 distilleries when a reported force of thirty moonshiners attacked part of the detachment. McIntyre, accompanied by a corporal and two U.S. deputy marshals, was shot at night in a house near Ellijay, Georgia. Reinforcing soldiers, in an effort to recover Lieutenant McIntyre's body the next day, killed three assailants. They retrieved the body but arrested no suspects. Local people denounced the murder and blamed it on out-of-state renegades from North Carolina who had since fled. Public opinion was against the murder.

Through the 1870s, people tended to tolerate illicit distillers, viewing the new revenue laws as somewhat arbitrary and oppressive. The murder of McIntyre in the Frog Mountains of Georgia brought swift newspaper condemnation. The Army-Navy Journal denounced the moonshiners as brigands and a social evil. For the editor, they were cowards who people needed to realize were "as

troublesome as the Sioux."[22] The New York Times deplored the ambush on a second page article. The Army-Navy Journal further reviewed the mourning that McIntyre's infantry regiment would do for him and what they would do to comfort his widow with six children.[23]

The Army continued detachment support. As late as September 1874, Attorney General George H. Williams reminded marshals in a Department of Justice circular that troops were stationed in convenient locations for their use. Consequently, the Secretary of War's annual reports showed a significant effort to aid revenue officers through the end of Reconstruction in 1877. Newspaper coverage confirms this continued military support. What is significant is that the annual Internal Revenue reports of the Commissioner neglected any military contribution or assistance. The annual Attorney General reports also mysteriously ignored any Army support of marshals.[24]

At the higher bureaucratic levels, the Army, the Internal Revenue Bureau, and the Department of Justice lacked cooperation. Through the entire Reconstruction period, the Commissioner's reports only mention the death of Lieutenant McIntyre as a footnote to a table and that the "Ordnance Department of the government" supplied the Revenue Bureau with weapons for collectors.[25] The Commissioner failed to discuss the Army's involvement as a *posse comitatus* or any broad strategy for the use of the military.

The annual reports contained no acknowledgment of any military contribution at all. He did refer to the need to use powerful force but at no time conceded that it could be a military force. Instead, he wanted funds for a revenue force, an augmentation that would lead to greater bureaucratic power for the revenue agency.[26]

The newly created Department of Justice under the Attorney General faired just as poorly. The annual reports through the 1870s failed to mention any military support of marshals against distillers. The Army appeared in connection with interagency squabbles. The Ordnance Department loaned 200 revolvers to marshals but wanted the Department of Justice to request Congress to pay for them. Additionally, the weapons were to be ready for immediate return if the Army needed them. The 1874 Army Appropriation Bill also limited the ability of justice agents to travel on railroads. This loss of privilege was a concern to the cost-conscious agency that operated on a restricted budget. Enforcement Act violence involving the Klan appeared consistently in Attorney General reports, but illicit distillers did not. There seemed to be no ownership of the moonshining mission by the Department of Justice either.[27]

Other interagency problems existed between the Army and the Internal Revenue Bureau. General Halleck, as early as 1870, realized that the numerous requests for military posses caused funding problems. The military was spending a

considerable portion of its limited budget on transporting troops to remote posts and towns. Although particularly troublesome on the frontier, the southern Army had the same financial expense when detachments had to pay for railroad transportation or rent horses for non-cavalry soldiers to travel where they were needed. Furthermore, the Army prevented the proliferation of temporary camps to combat distilling since it increased logistical expenses as well as made command and control more difficult. Major General Irvin McDowell, General Halleck's replacement, disagreed with the Internal Revenue Commissioner over permanently stationing a company in Marion, North Carolina to suppress regional moonshiners in 1874. Interagency funding remained problematic as McDowell simply cited military considerations and only temporarily detached a company there from Raleigh.[28]

Here a certain amount of reservations on the Army's part emerged concerning the revenue mission. The Secretary of War's annual reports during Reconstruction focused on frontier problems with Native Americans and Reconstruction problems as a whole, particularly election riots and Ku Klux Klan violence. Illicit distillers were only one problem and certainly not the most important. Whereas the Internal Revenue and Department of Justice reports ignored the military, revenuers appeared in Army reports. One bureau supervisor begged four times for troops to suppress hundreds

of illicit stills in Western North Carolina. He acknowledged that revenue officers had been killed and enforcement of revenue laws "almost entirely prevented."[29] The Division of the South responded by sending Company F, Second Artillery to Marion, North Carolina in 1874 yet the incident does not appear in the Internal Revenue Reports. In fact, mountain distiller problems were unacknowledged until 1875 in the annual Commissioner reports. The severity of moonshining warranted its mentioning at least five years earlier. Perhaps, the Bureau, racked with internal corruption charges, wished to minimize negative publicity such as a growing illicit distilling problem.[30]

Despite some conflict at the higher levels, local commanders, revenue agents, and U.S. marshals apparently cooperated to accomplish the mission. The sheer number of detachments, confiscated property, and arrests across the entire area of the Mountain South pointed to cooperation. These results were not always without some problems. The only book by a revenuer from this period depicted few Army detachments. The author, George Atkinson, related how a detachment of fifty soldiers under a Major Long accompanied him to Upton, Kentucky. Upon encountering thirteen fleeing moonshiners, Atkinson wanted Long to fire on them. Long, who yelled for the illicit distillers to surrender, refused to fire or grant Atkinson's request for ten men to cut them off from the rear. Atkinson related that the moonshiners

laughed at the soldiers, and he expressed his disgust for Major Long's cowardice that "gave up the fight."[31] Atkinson was not completely anti-military as he thereafter destroyed thirty stills with a Seventh Cavalry lieutenant, effectively ending moonshining in Wayne County, Kentucky.

Animosity was not only directed towards the Army. The military reciprocated against Internal Revenue agents and marshals. One 1875 detachment in Tennessee waited for two weeks for civil officers to return from court. In their absence, a list of suspected moonshiners against whom the officers planned to serve warrants was posted in town. Needless to say, the moonshiners hid all of their equipment. When the officers finally returned, they complained that they were not paid enough to go out late at nights on raids.[32]

Just as the Army had stumbled into the moonshining mission, it exited it through no real effort of its own. The Great Strike of 1877 unleashed national labor unrest across the nation. When workers from the Baltimore and Ohio Railroad Company in Martinsburg, West Virginia received pay cuts, they began a general strike that spread to mining and rail connected industries. Northern states, such as Pennsylvania which had fewer than fifty federal troops within its borders, were unprepared to respond to violence. Therefore, the Army sent units from wherever it could spare them. Suddenly, aiding revenuers became minimally important

as troops went north to combat strikers. Company E, 18th Infantry departed Morganton, North Carolina and abandoned its revenue mission in order to end labor resistance in Pittsburg. This shift of focus, combined with troop reductions promised by President Rutherford Hayes as part of the Compromise of 1877, resulted in fewer available troops in the South after the summer of 1877 to continue the moonshining mission. The use of the military detachments formally ended with the passing of the Army Appropriation Bill in June of 1878.[33]

Determining military funding for the 1879 fiscal year, the Democratic Congress sought to end the use of troops as a *posse comitatus*. Section 15 of the bill required:

> From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $10,000 or by imprisonment not exceeding two years, or by both such fine and imprisonment.[34]

With this law, Congress ended the use of military detachments to aid revenue officers because it required an act of Congress or constitutional provision in order to use them. Since marshals and agents had been making direct

requests to the military, they could no longer legally do this. The Posse Comitatus Act of 1879 would officially codify this section into law.

Not everyone was happy with the new limitations on the use of the military. The Army-Navy Journal reported continued civil requests for troops from nine states. The editor did not know what governors would do without soldiers. Secretary of War George W. McCrary wanted the provision repealed or exceptions in which troops could be used greatly enumerated. His concern was not over the inability to enforce revenue laws; rather, it concerned the need for military posses in the West where the sparse population often prevented the use of civil posses. To prove his point, McCrary in his 1878 annual report cited domestic unrest in Lincoln County, New Mexico in which outlaw Billy the Kid led a cattle war and murdered civil authorities. The President finally had to declare an insurrection in order for troops to respond to this violence.[35]

Despite the perceived need by the Secretary of War for a continued military presence in law enforcement, the 1878 Congress clearly wanted it out. Congressman Abram S. Hewitt of New York argued that the Army should be under the control of Congress during peacetime. He reminded the politicians of America's tradition against standing armies. Congressman Stephen L. Mayham, also from New York, stressed

that the Army was "not intended primarily for police duty and is only created for the national defense...."[36] Another congressman, William Hartzell of Illinois, argued that the regular Army was not the "palladium of American liberty" and that too many people were becoming "infected by the unconstitutional use of the regular Army."[37]

Although revenue enforcement was not specifically mentioned in congressional debate about the 1878 Army Appropriation Bill, the Army's involvement against illegal southern distillers was, no doubt, on the minds of the Democratic Congress when it acted on the bill. On the same day as the floor debate, congressmen argued about the passage of an internal revenue bill. Concerning procedural rules for marshals and revenue agents, the debate of the issues brought up southern anti-revenue feelings from the floor. Congressman Zebulon Vance of North Carolina called agents "political adventurers" and urged Congress to "strip these revenue raiders of their much-abused privileges."[38] The heated debate continued when Congressman D. Wyatt Aiken of South Carolina characterized agents as a "band of thieves and murderers" who killed the young son of a widow in his district.[39] Southern congressmen certainly knew Section 15 of the Army Appropriation Bill would end revenue enforcement across the South whereas northern Democrats, seeking to appease their labor constituents, sought to prevent the military's future use in suppressing labor strikes.

As the military withdrew from southern occupation duty, it also ended its efforts against illicit distillers. There was no sadness for the loss of either mission. The Army had offered significant assistance to the Internal Revenue Bureau and Department of Justice during Reconstruction. The aid, however, was not decisive in ending moonshining as the problem continued into the twentieth century. Never able to establish goals or objectives for the demise of moonshining, the Army gathered impressive quantitative results in arrests and destruction of stills. Without sufficient military resources to eliminate a massive social problem, many areas were re-occupied by illicit distillers shortly after raids. When the Army discontinued the revenue mission, the Bureau increased its enforcement efforts to fill the void sufficiently.

Endnotes

[1]Congress, House, Report of the Secretary of War, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, Pt. 2, 37-38.

[2]Congress, House, Report of the Secretary of War, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, Pt. 2, 80-82, 85; Report of the Secretary of War, 1870, 40.

[3]Congress, House, Report of the Secretary of War, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, Pt. 2, 63; Report of the Secretary in 1872, 84, in 1873, 81-82, in 1874, 51, in 1875, 53-54, and in 1876, 83.

[4]Congress, House, General Orders--Reconstruction, 40th Cong., 2d sess., 1868, H. Ex. Doc. No. 342, 41, 45-46, 48, 65, 76, 83.

[5]Monthly Reports of July and August 1867 and March 1868, Post Returns for Post of Morgenton, North Carolina, National Archives, M617, Roll 809; Stephen Cresswell, Mormons & Cowboys, Moonshiners & Klansmen (Tuscaloosa, AL: University of Alabama Press, 1991), 2.

[6]Robert W. Coakley, The Role of Federal Military Forces in Domestic Disorders, 1789-1878 (Washington D.C.: Center of Military History, 1988), 129-132, 300-301.

[7]Report of the Secretary of War, 1870, 37-38; Congress, House, Report of the Secretary of War, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, Pt. 2, 59.

[8]Wilbur R. Miller, Revenuers & Moonshiners: Enforcing Federal Liquor Law in the Mountain South, 1865-1900 (Chapel Hill: University of North Carolina Press, 1991), 70, 72.

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[27]Congress, House, Annual Report of the Attorney General, 45th Cong., 2d sess., 1877, H. Ex. Doc. No. 7, 59-60; Ibid., 43d Cong., 2d sess., 1874, H. Ex. Doc. No. 7, 17.

[28]Report of Secretary of War, 1870, 37; Ibid., 43d Cong., 2d sess., 1874, H. Ex. Doc. 1, Pt. 2, 46.

[29]Ibid.

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[31]George W. Atkinson, After the Moonshiners (Wheeling, WV: Frew & Campbell, 1881), 56-57.

[32]Miller, 78.

[33]Congress, House, Report of Secretary of War, 45th Cong., 3d sess., 1878, H. Ex. Doc. 1, Pt. 2, VI.

[34]Army-Navy Journal, June 22, 1878, 746.

[35]Report of Secretary of War, 1878, VI.

[36]Congress, House, Speech of Congressman Stephen L. Mayham on Army Appropriation Bill, 45th Cong., 2d sess., Congressional Record (27 May 1878), vol. 7, 236.

[37]Congress, House, Speech of Congressman William Hartzell on Army Appropriation Bill, 45th Cong., 2d sess., Congressional Record (27 May 1878), vol. 7, 379.

[38]Congress, House, Speech of Congressman Zebulon Vance on Internal Revenue Bill, 45th Cong., 2d sess., Congressional Record (15 June 1878), vol. 7, 4676.

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CHAPTER 5

CONCLUSION

For more than a decade during Reconstruction, the Army battled illicit distillers. During this period, the military experienced quantitative success but was not decisive in ending moonshining. When the Army withdrew from the South, the Internal Revenue Bureau increased its efforts to compensate for the loss of soldier detachments. Even with troops departing from the South, Bureau agents captured almost twice as many stills and arrested eight hundred more suspects than had been seized or arrested in the last full year of military involvement. Although agent fatalities eventually fell despite increased efforts, their casualties more than doubled (See Annual Summation Chart).[1] By 1878, the Internal Revenue Bureau was an established federal agency that could muster sufficient force to exceed previous military assisted results. The Army was no longer necessary in the moonshining mission.

No one could foresee the Bureau's continued success without the military. There was no federal plan to release the Army from the revenue mission even if southern occupation had continued. The executive branch still considered military support essential to combating

moonshining. Nevertheless, President Hayes withdrew the remaining non-essential Army units from the South as Reconstruction ended. Congress then ensured that the military would cease to be used as a *posse comitatus* because of its involvement in the Great Strike of 1877. It was only historical chance that the Bureau was ready to stand on its own without external assistance. Even as late as July 1878, the New York Times reported that Commissioner Green B. Raum still needed military aid. In the wake of the Army Appropriation Bill, the newspaper emphasized that the Bureau Chief of Agents, T.D. Sewall, disagreed with the *posse comitatus* limitations and stated that he wanted a continued military presence in the South, citing that moonshiners were "as bold, defiant, and malicious as ever."[2] Regardless of the ongoing perceived need for soldiers, the Army had already accomplished one of its successes during its enforcement mission. The military helped the Revenue Bureau get established and grow into a viable force capable of independent action. When the Bureau was initially understrength and plagued by internal corruption, the military provided the necessary detachments, allowing agents to perform their duties.

Even as the Internal Revenue Bureau increased its efforts during Raum's War in the late 1870s, it could not eliminate the presence of moonshiners. By the end of a decade of military involvement, the Commissioner still

claimed that the moonshining problem was as bad as ever. Even after the Army was long gone, illicit distilling continued in force into the 1890s when another major revenue effort ensued. Moonshining continued into the twentieth century and remains today. Clearly, the military's efforts were not decisive in ending moonshining nor did they diminish the long-term output of illicit distillers.[3]

In reviewing the military's performance against moonshiners, several important lessons emerged that can be useful to current military Operations Other Than War, particularly in the drug war. The Army entered the moonshine battle with no overall strategy to reduce alcoholic production. Politicians committed the Army as a stopgap to help an ineffective Bureau deal with massive resistance to federal law. Generals surrendered leadership to civil authorities in the moonshine war. Because there was no real plan for the military, there was no desired end state, nor did commanders know when to conclude revenue assistance. By chance, the Great Strike of 1877 provided Congress the incentive to eliminate the military as a *posse comitatus*, thus ending their involvement in the revenue mission.

There also was minimal national commitment to the revenue mission. Many southerners sided with the illicit distillers. Many northerners were ignorant of the mission, either romanticizing the moonshiners or tiring of the whole

Reconstruction effort. Since there was no national prohibition and, despite a growing temperance movement, alcohol consumption was deemed acceptable by society. For many, moonshiners became the unfortunate "have-nots," battling the powerful central government's new and somewhat repressive revenue laws. Congress reflected the public's apathy towards illicit distillers. Many southern representatives in particular resented military and Bureau efforts to enforce federal laws. The public viewed revenue agents in mixed regard, but the Whiskey Ring scandals maligned their reputations until Commissioner Green Raum began to restore the agency's integrity in the late 1870s. Since combating illicit distillers was unpopular with much of the public and government, the Army was unenthusiastic about it. Because it did not receive the national visibility of other Reconstruction missions, the military gave lower priority to the mission.[4]

The Army regarded its main mission as pacifying the western frontier. Fighting Native Americans was more of a traditional military role than busting-up stills. Generals felt no ownership of the moonshine mission. They avoided responsibility for aggressive enforcement policies and only begrudgingly helped the Department of Justice and Internal Revenue Bureau. They cared little for what they regarded as mere police duties. Had Congress, the President, and the American people been more committed to ending illicit

distilling in the Mountain South, they could have pressured the military to do more. As it was, Congress, following a retrenchment policy of fiscal austerity, refused to allocate the funding necessary to combat moonshining.

The Justice Department, Internal Revenue Bureau, and War Department suffered from reduced budgets. They struggled to accomplish their assigned missions with the limited resources available. Therefore, the national political leadership needed to commit more to the problem. Since the federal government was not as large as it is today, individual states needed to pay a larger share of the enforcement cost. Southern states in the wake of the Panic of 1873 were unable to pay much for any government program, especially one that was so unpopular with many of their constituents.[5]

In addition to the problematic mission, the Army experienced certain operational problems. Their exact legal authority remained undefined throughout the period. Generals shunned additional legal authority, usually favoring an exact interpretation of any written law. They wanted marshals and agents to act as the legal experts on detachments, so the military would not have to take the blame for any wrongdoings. Detachment commanders thus tended to be conservative, ensuring no legal infraction at the expense of effectiveness. Since martial law was not declared, the military could not act independently against

illicit distillers. Yet somewhere between the conservative extreme and total independence, some detachments probably struck an appropriate balance to accomr .sh the mission. The Army could have been more useful, particularly with its limited resources, by reducing detachment sizes and having more non-commissioned officer led patrols to allow for greater area coverage.

There also should have been better interagency cooperation at the higher levels. Austere budgets caused the military, Internal Revenue Bureau, and Department of Justice to guard their limited resources. Agencies looked to other agencies to do more, so they would pay less. Bureaucracy also became a means to hinder interagency operations instead of facilitating them. Cumbersome request procedures and general reluctance to acknowledge the contributions of other agencies limited the overall enforcement effort with interagency suspicions and parochial interests.

The Army, like civil authorities, lacked any means to measure success or progress in the moonshine war. As the military continued to report impressive numbers of arrests and destroyed stills, they implied effectiveness against illicit distilling. Since the military claimed it was performing its duties well in its annual Secretary of War reports, the public should have been surprised when a January 1877 New York Times :icle heralded the Internal

Revenue Commissioner's report that moonshining resistance was "carried on to an extent unknown at any time before...the existence of the present laws."[6] Similar to the body counts of Vietnam, raid figures were not put in any context, rather reported as an end unto themselves. Increased quantitative results became the goal instead of any real long-range strategy for employing the military to end moonshining. The impressive quantitative results led Americans to think there was success in the moonshine war even if there was not.

The moonshiners themselves also provided insights into fighting illegal substances. Illicit distillers had the local advantage. They knew the area, so they could elude raiding parties. The military were strangers in an unknown land. They traveled from permanent posts into the mountainous interior to combat moonshiners. As such, they lacked intelligence and had to rely on local guides who may have been criminals themselves. Since the local press, prominent leaders, and mountain people often supported moonshiners, the Army could rely on little aid from anyone. Not until the late 1870s did the government make inroads by portraying moonshiners as legitimate criminals who deserved to be prosecuted.[7]

The Army combated an unique enemy. Moonshiners tended to avoid violence, particularly when a detachment of soldiers was present. They were not united in their

resistance, well-financed in their operations, nor equipped with the latest in weaponry. Unlike modern drug lords, moonshiners had limited resources. They would rarely risk their lives for their profit margin. The enforcement goal was to make moonshining so difficult that illicit distilling would become unprofitable. The higher prices would force the public to abandon moonshine for legal liquor. If the military and civil officers could convince moonshiners that it would be easier to operate legally, moonshiners would get the necessary licenses and pay the required taxes to become legal distillers. Modern illegal drug traffickers and drug abusers do not have this conversion option as their narcotics are illegal on any markets.

In historical hindsight, the military needed to assist in the revenue mission. They were the only federal agency capable of truly enforcing federal laws in the turbulent South. Although not the most efficient or important use of the Army, the military provided federal force that no other agency could. In the future, if other federal agencies are more capable of efficiently prosecuting civil law enforcement, the military should stay clear until its services are required for mission accomplishment. The lessons learned about Operation Other Than War that emerged from the moonshine war are not new. Rather, they reinforce existing knowledge of the importance of a known end state, exact military strategy, defined legal authority, increased

interagency cooperation, and precise measures of success. Additionally, moonshiners were not modern drug traffickers. Few were of the same hardened criminal element or level of sophistication--elements that contributed to low overall casualties during the decade of operations. Finally, the moonshine war involved a lengthy commitment of soldiers. There was no easy or quick solution. The Army, if it is not to be a stopgap measure, will need tremendous resources and national commitment. The military must be part of a larger, total national effort.

Comparison to the Modern Drug War

The juxtaposition of the Reconstruction moonshine war with the current anti-drug campaign provides significant insight to modern problems. Taken collectively, most of the Reconstruction lessons, when placed in an appropriate context, apply today. This final section will analyze the military's involvement in the modern drug war by using the moonshine experience as an historical framework.

The military's involvement in the drug war began in the 1970s with sporadic naval patrols to assist the Coast Guard and Air Force Advanced Warning and Control Systems (AWACS) missions to locate smugglers. The counter drug mission began in earnest in 1981 when Congress amended the Posse Comitatus Act to allow the military to share "intelligence..., facilities, training..., and assistance in

operating and maintaining equipment" for civil authorities.[8] Consequently, military counter drug operations increased throughout the 1980s. The final change to the Posse Comitatus Act occurred in 1988 when Congress made the Department of Defense the lead agency in air and sea surveillance of drug trafficking airplanes and vessels. The military budget for counter narcotics increased substantially to support this effort. Congress first appropriated anti-drug funds to the Department of Defense in fiscal year 1982. From this original 4.9 million, the amount grew to 1.2 billion in 1991. By the 1990s, the military went as far as to incorporate the counter drug mission into its doctrine.[9]

Unlike Reconstruction, during which there was little national emphasis on anti-distilling operations, the drug war receives national priority. The White House formulates a *National Drug Control Strategy* each year to direct interdiction efforts. The military has clearer goals than it had during Reconstruction. It is a support agency with the lead only in "detection and monitoring of aerial and maritime transit of illegal drugs into the Unites States."[10] The 1989 Defense Authorization Act also specifically requires the military to share intelligence with civil agencies and to integrate command, control, and communications between the various civil enforcement agencies. Therefore, Congress and the President reduce the

strategic ambiguity that the modern military can experience in the drug war.

Although the military has a purpose in the drug war, like the moonshine mission, it has no definable end state. Because the overall strategic goal is to decrease the flow of illicit drugs into the Unites States, the only foreseeable end for military involvement becomes the cessation of drug smuggling into the country. This distant, if not impossible, condition provides a permanent presence for the armed forces in counter drug operations. As with moonshining, the drug problem has no end in sight. Unless the domestic use of the military somehow infuriates Congress, as it did at the end of Reconstruction, or a national emergency requires forces to be deployed elsewhere, military units will continue to operate in drug interdiction duties.

Even though there is no perceivable end state, national commitment seems higher today to win the drug war than the moonshine war. Reconstruction politicians were concerned more with regional issues of race, class, and economics. Moonshining was part of the larger issue of expanding federal authority, not a serious problem in its own right. Because alcohol was legal throughout the country, illicit distillers were viewed as criminals, not a threat to national security. Today's political leadership, however, approaches the drug problem as a threat to

America's strategic security. Secretary of Defense Dick Cheney declared in 1990 that the military would "work hard to stop the delivery of drugs on the way to the United States."[11] Given a national purpose and priority for the counter drug mission, the Defense Department has embraced the mission more so than the Reconstruction Army accepted its police duty as posses.

The armed forces have actively pursued the counter drug mission in a joint and interagency manner. They created joint task forces (JTFs) under the unified command framework. In April 1989, U.S. Atlantic Command created Joint Task Force Four (JTF-4) at Key West to interdict drugs in the Caribbean. U.S. Pacific Command formed JTF-5 in February 1989 in Alameda, California to prevent smuggling along Pacific Ocean sea lanes. U.S. Forces Command then formed JTF-6 in El Paso, Texas in November 1989 to counter the flow of drugs along the Mexican border. These three JTFs coordinated civil actions with the Drug Enforcement Agency (DEA), border patrols, customs service, and local police as well as integrating all service operations to include the Coast Guard.[12] The North American Aerospace Defense Command (NORAD) has also dedicated its 44 ground radars and fifty interceptor aircraft to assist in detection of smugglers' airplanes. Unlike the Reconstruction Army, which oriented its divisions and department boundaries along state borders, the modern JTFs and unified commands orient

on geographical regions: the Caribbean, Mexican border, and Pacific Ocean. They also facilitate interagency teamwork and planning instead of leaving cooperation to department commanders.

Interagency conflict at the highest levels still occasionally exists as it did during Reconstruction. The largest problem, then and now, has been competition for scarce funding. The drug war has received larger appropriations than the moonshine war ever did. As the military budget for counter drug activities has gone from nothing to over a billion dollars in the span of a decade, the growing presence of the armed forces has caused some "turf wars."[13] At the administrative level, conflict remains concerning who has authority to employ military assets. The military leadership consistently has maintained that it will decide how its assets will be used and has resisted any effort of civilian control. Like Reconstruction, the lower, operational levels have cooperated better than the higher strategic ones to accomplish the mission. Still funding remains a potential trouble area as each federal agency competes for limited appropriations in a shrinking national budget.[14]

A problem that existed in the Reconstruction effort and still survives in today's drug war is unity of command under one responsible commander. Inherent in interagency operations is identification of a lead agency and, hence,

one leader who is in charge. The drug war has seen a "Drug Czar" or suggestions of the Vice-President as a person who would be overall responsible for counter drug operations, shy of the President who heads the executive branch.[15] Using the moonshine historical example, the Internal Revenue Bureau should have had responsibility for the mission to end illicit distilling. The War Department and Department of Justice should have been support agencies to assist the Bureau. The drug war lends itself to military support of the Drug Enforcement Agency with the Attorney General, therefore, overall in charge in the executive branch. Since the Internal Revenue Service is not a lead agency in drug interdiction, it is removed from any leadership role.

Difficulties remain with authority in the modern drug war just as they existed in the moonshining effort. Civilian law enforcement officers are trained in proper arrest procedures and the collection of evidence. They will play a "waiting game" in order to ensure proper prosecution of a criminal.[16] This different police mentality conflicts with soldiers' emphasis on immediate action. The police approach to suspects is to watch them and, hence, gather evidence, whereas the soldier tends to spot criminals and to initiate fires or arrest them to bring an immediate conclusion to the problem. Although somewhat exaggerated, today's military has learned to take a support role and let

civil officers take decisive actions. The Reconstruction Army was adept at following in the anti-moonshine mission. Unfortunately, it lost its combat focus as it exercised constabulatory duties. Its authority problems were corrected by the Posse Comitatus Act of 1879. Yet any return today to domestic enforcement would create dramatic hardships for local commanders. They would conflict immediately with the provisions of the Posse Comitatus Act and be subject to prosecution. The current executive ban on soldiers arresting suspects, even in the extraterritorial limits of the United States, is correct. Already the military questions if it can really arrest suspects beyond American borders and how far modifications to existing statutes will go.[17]

Another problem that remains in the drug war that was evident in the moonshine conflict is the ability to measure success. This "body count syndrome" is caused, in part, by a love of statistics and a need to quantify progress.[18] In Reconstruction, commanders reported numbers of destroyed stills and alcohol quantities. Today, agencies record weights of captured drugs or their corresponding street values perhaps to boast effectiveness or to justify expenditures. Both eras concentrated on numbers of arrested suspects. Interagency reporting is also a problem as any group involved with a drug seizure claims credit for the bust. As during Reconstruction when the military,

Department of Justice, or Internal Revenue Bureau could claim an episode in their annual reports, the drug war is more confusing as local agencies, different services within the military, and varying executive agencies can claim credit for the same event. Reports become misleading and inflated as the same arrest or seizure appears numerous times in various reports. This duplication can present an overly optimistic view of the true results in the drug war.

Some problems in today's counter drug mission bare no resemblance to Reconstruction. For example, military units today worry about their equipment that is unsuited for tracking smugglers. Some military fighters, such as the F-16, are too fast or use too much fuel to follow slower civilian aircraft used by smugglers. The military also desires interoperable communications with civil agencies, and it is spending one billion dollars on a "communications network to support the drug interdiction effort."[19] Apart from compatible frequencies, the military prefers secure communications equipment. The armed forces' use of security classifications creates interagency bottlenecks because not all agencies can routinely handle secret messages. During Reconstruction, the technology was the same for the military, civil agencies, and moonshiners. Although the military had repeating rifles and the Internal Revenue Bureau eventually issued them, these weapons did not yield a decisive technological advantage in seizing a still from

muzzle-loading armed moonshiners. Transportation in the mountainous interior was roughly equal for both sides, with the only difference being that detachments were mounted whereas moonshiners were generally dismounted. The Reconstruction experience, therefore, offers little insight to the technical interoperability issues of today.

Perhaps the greatest differences between moonshining and drug tra icking rest in the criminals who perpetrate the production and smuggling of the illegal substances. Moonshiners were rarely hardened criminals. They tended to avoid confrontation with agents, preferring to flee a still site rather than engage raiders. Illicit distillers were under-financed, modestly armed, and locally focused. If raiders could eliminate one still site, the affected moonshiners could not get support from a larger criminal organization. They had to start over, buying or fabricating a new still and mash tubs.

Drug traffickers, however, consist of a much tougher criminal element. Since they are heavily armed and more ruthless, smugglers and pushers are more likely to fire upon enforcement agents, be they civilian or military. As part of an international cartel, traffickers are well-financed and part of a la.ge-scale distribution system. Countering drugs in one area causes a shifting of illegal resources in the cartel to restore profits. Drugs, in other words, are big business that must be fought on many levels and in

different countries. The drug battle is far more complex than just eliminating domestic stills. Although some drugs are produced domestically, most are smuggled in from other countries. Consequently, enforcement involves land, sea, and air--it is a joint operation.

For the military, the drug problem is more difficult than moonshining enforcement. Traffickers are more likely to shoot soldiers than moonshiners who only killed two soldiers in a decade. If the military becomes more involved in counter drug operations, it must be ready for terrorist acts and resulting casualties. The drug war also requires a military presence in foreign countries. As such, the drug mission is far more diplomatically challenging than the domestically isolated moonshine problem. Already, countries have disliked the patrolling of naval craft off their coasts or ground forces along their borders.[20] Furthermore, the illegality of narcotics makes their producers even more determined to succeed in smuggling. Moonshiners, if they paid taxes, could produce liquor legally. If the military and Internal Revenue Bureau made alcohol production too risky, illicit distillers could begin producing legally or customers could switch to buying legal moonshine. Traffickers have no legal option, so they become even more sophisticated at ensuring successful smuggling. They have altered techniques to include air dropping drug bundles to ships off the coast and using submarines.[21] Unlike

moonshiners, who hardly altered their distilling techniques throughout the 1870s, drug traffickers continually change smuggling methods, causing the military to adapt detection and surveillance operations.

Finally, the military must realize that the drug war is permanent. Despite civil enforcement agency fears that the armed forces might be pulled out of the drug mission during a national emergency, the joint task forces will operate for years.[22] With no end in sight to the drug war, the Department of Defense cannot expect Congress or the President to withdraw military units from the counter drug mission to save funds or to enhance tactical training. Like the Reconstruction Army, today's military is stuck with countering illicit substances the best it can.

Endnotes

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[2]New York Times, July 16, 1878, 2.

[3]Wilbur R. Miller, Revenuers & Moonshiners: Enforcing Federal Liquor Law in the Mountain South, 1865-1900 (Chapel Hill: University of North Carolina Press, 1991), 100-101, 167.

[4]Ibid., 97-99; A summation of coverage in New York Times and Army-Navy Journal from 1870 to 1878; Congress, Report of the Secretary of War, 1867-1878.

[5]Eric Foner, A Short History of Reconstruction, 1863-1877 (New York: Harper & Row, 1990), 227-229.

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[10]U.S. Department of Defense, Public Affairs Guidance: DOD Role in National Drug Control Strategy (Washington D.C.: Unclassified DOD Message, 27 January 1990), 18.

[11]Ibid.

[12]Ibid., 18-20, 23.

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[16]Ibid., 36.

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[19]Ibid., 37-38.

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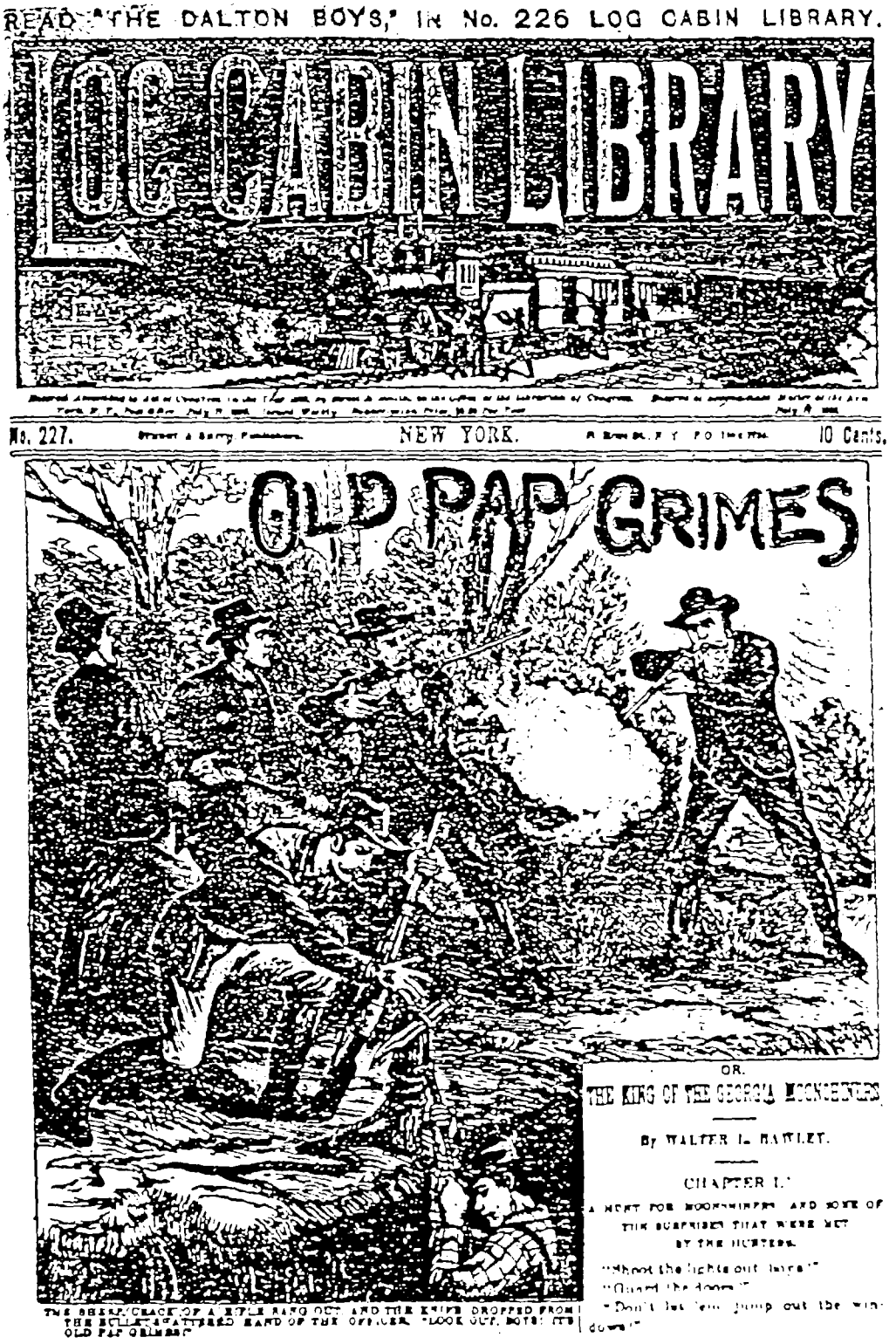
[21]Ibid., 43.

Figure 1. Ambush scene from page 40 of The Entwined Lives of Miss Gabrielle Austin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OLD PAP GRIMES

OR.

THE KING OF THE GEORGIA MOONSHINERS

By WALTER L. HAWLEY.

CHAPTER I.

A HUNT FOR MOONSHINERS AND SOME OF THE SURPRISES THAT WERE MET BY THE HUNTERS.

"Shoot the lights out, boys!"

"Guard the door!"

"Don't let 'em jump out the window!"

THE SHARP CRACK OF A RIFLE RANG OUT AND THE KNIFE DROPPED FROM THE SHATTERED HAND OF THE OFFICER. "LOOK OUT, BOYS! IT'S OLD PAP GRIMES!"

Figure 2. Picture of revenuers from cover of Old Pap Grimes

DESIRABLE LOCALITY FOR A MOONSHINE DISTILLERY.

Figure 3. Drawing from page 235 of After the Moonshiners

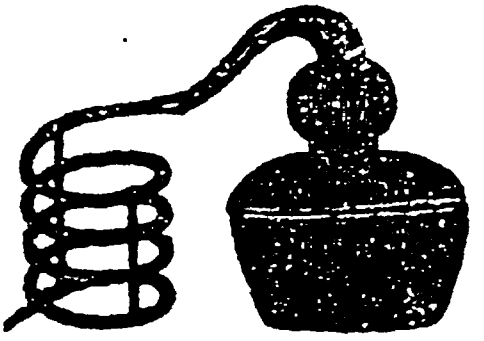
MOONSHINE DISTILLERY IN A DEEP HOLLOW.

Figure 4. Illustration from page 180 of After the Moonshiners

D. G. McMILLAN,

MANUFACTURER OF

Turpentine Stills,



(Rear of Wm. Overby's,)

FAYETTEVILLE, N. C.

STILLS REPAIRED IN THE COUNTRY BY first class workmen. 10 good second hand

Brandy and Whisky Stills

for sale; from 30 to 100 gallons. Stills properly boxed for transportation to avoid mashing. These stills I offer at panic prices, all in good order.

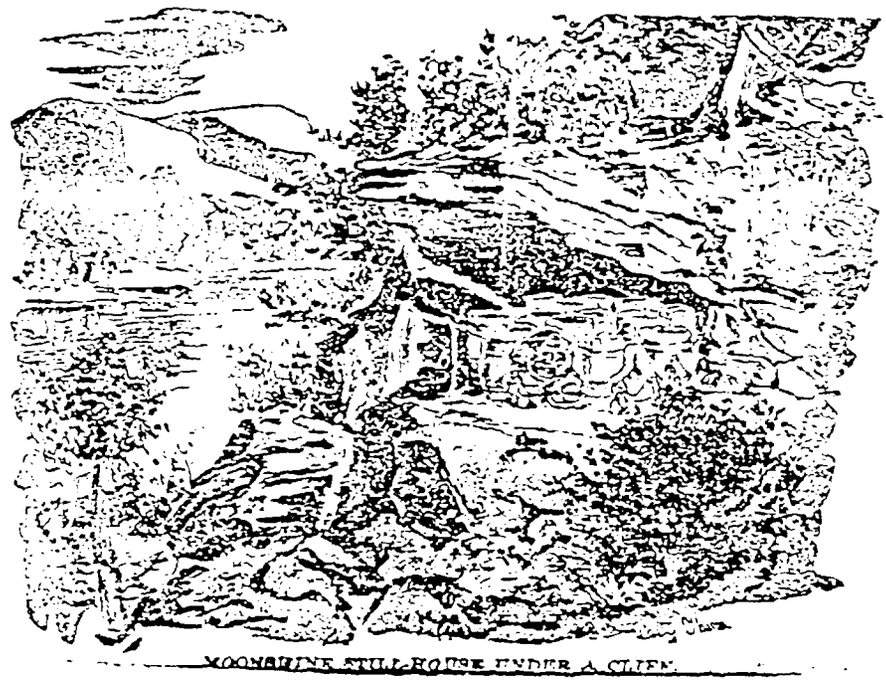
Send for prices or call on

june 25-dlawtfw1t. D. G. McMILLAN.

Figure 5. Advertisement from page 1 of the Raleigh Observer, July 19, 1877

A GUIDE RETURNING THE FIRE OF AN AMBUSHING MOONSHINER.

Figure 6. Sketch from page 145 of After the Moonshiners



MOONSHINE STILL-HOUSE UNDER A CLIFF.

Figure 7. Illustration from page 24 of After the Moonshiners

CHARGING UPON A MOONSHINE DISTILLERY.

Figure 8. Picture from page 84 of After the Moonshiners

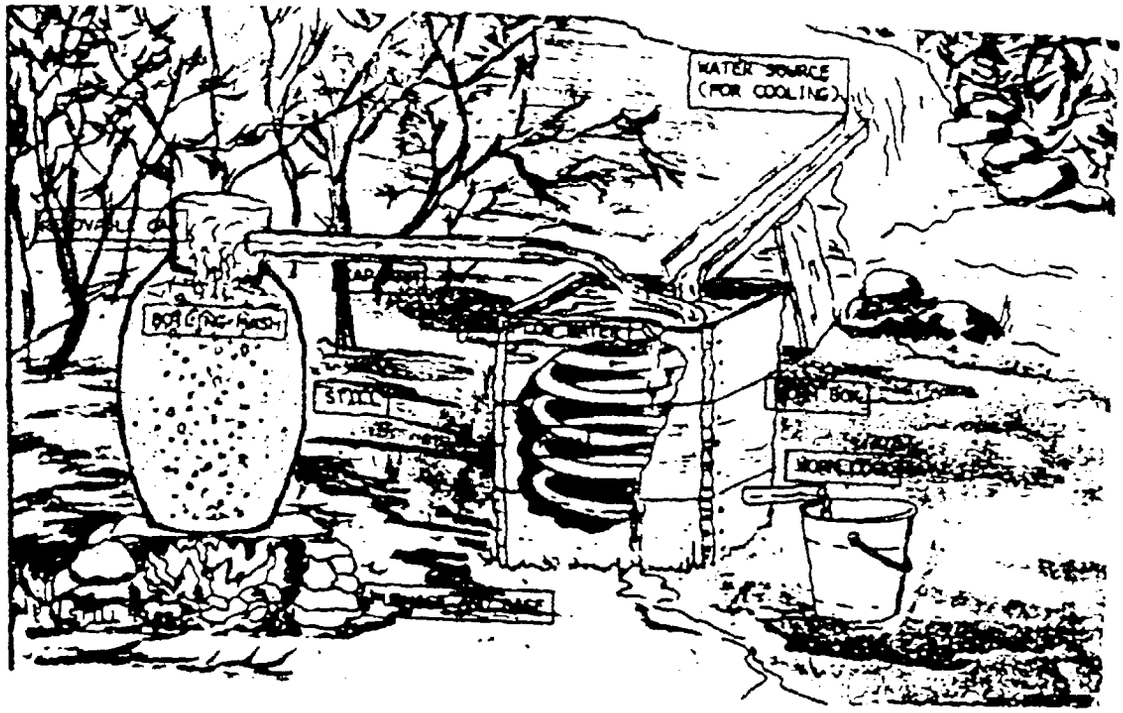


Figure 9. Diagram of a 120-gallon still with labeled parts from page 75 of The Second Oldest Profession

Figure 10:
ANNUAL SUMMATION OF INTERNAL REVENUE ACTIVITIES

	1877	1878	1879
Stills Seized	598	1024	1319
Persons Arrested	1174	1976	2924
Officers and Employees Killed	12	10	4
Officers and Employees Wounded	8	17	22

Source: Report of the Commissioner of Internal Revenue, 1879, page XIV

Figure 11. Picture of mountain raiders from page 78 of After the Moonshiners

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